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AN
(Gourlay, R.)
Gourlay







To, Sir Chas Metcalfe
Governor General
Sir, Sir, Sir,
with the Author's
Respectful Compl:

1871 (1872)

1872 (1873)

1873 (1874)

1874 (1875)

1875 (1876)

AN

APPEAL

TO THE

COMMON SENSE, MIND, AND MANHOOD

OF

THE BRITISH NATION.

BY

ROBERT GOURLAY, ESQ.

Now, and for the last Two Years, imprisoned without fair Examination or Trial.

" Long years!—It tries the thrilling frame to bear
" Long years of outrage, calumny, and wrong,
" Imputed madness—prisoned solitude."

London:

PRINTED FOR THE AUTHOR,
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PATERNOSTER-ROW.

1826.

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DEDICATION.

MY DEAR CHILDREN!

To whom can I so properly dedicate these sheets, and declare my principles, as to you:—you, from whom I have been cruelly separated for nine years;—you, for whom, chiefly, I remain in durance;—you, for whom I shall perish, rather than give in;—you, who are identified with myself in all that is honourable and true.

Up to this hour, I know of no course, which I could have taken, exposed as a madman, without trial, first in the prison-room of the House of Commons, and then here, better than what I have pursued—contradicting doctors' opinions and newspaper misrepresentations, by publishing, from time to time, letters on various subjects, lightly written, or, when argumentative, incontrovertible. My letters, among the following extracts, will best answer calumnies by the side of them—most directly contradict imputations of insanity. But for these, it might have been said to our children's children "*there is madness in your family*,"—here is record of it in parliamentary journals—here are the prints of the day in corroboration—here are testimonials of learned doctors." With these sheets in their hand, our children's children will be shielded from the most frightful scandal.

Some who, for a time, regarded me with pity, believing that I could not find bail, have lately withdrawn that regard; while others who indulged malicious pleasure by reporting me mad, now gratify a similar propensity in calling me foolish. These people have not even an idea of the truth. Knowing nothing of the sublime, they think only of the ridiculous, and ascribe to passion, eccentricity, and weakness, what was and is the result of gravest resolve. They are more thoughtless and not less provoking than the miserable comforters of Job. I

DEDICATION.

never wished to be considered an object of pity; and were I one, would infallibly sink into dejection and despair. My policy is, at all events, to keep up my spirits; and, by so doing, I have had infinite relief. After many years of anxiety and distress, these two last, in prison, have afforded unspeakable enjoyment: they have enabled me quietly to reflect on extraordinary experiences, through a period of twenty-five years of bustle in Scotland, England, and Canada. They have enabled me to mature plans of mightiest moment—plans for the reform of poor laws, connected with a grand system of emigration. I am now, indeed, hopeful that all my sufferings,—loss of fortune, friends, reputation, are, under Providence, to go in payment for good to my fellow-men.

But—my children!—let us not be too sanguine. The world is still against me,—the same world which poisoned Socrates, crucified Christ, and imprisoned Galileo. The world may prevail; yes, till death, but not beyond. Deprived of all property, and bred to no profession; ruined in credit, and sickened with borrowing; without a home, and deserted by friends; entangled with law where there is nothing to gain; and having yet to contend even for paternal right, where can I be better than here?—Here, however, I will not bow to the world; and here I call them villains who confine me.

I have never considered myself as acting solely for myself. Our religion clearly points to abstract virtue; bids us leave all and follow it. Think not, then, that I am regardless,—that I am without feeling and natural affection:—think better of yourselves and me.

“ Consider God as boundless nature’s soul,
“ Yourselves a part of the stupendous whole;
“ Think that existence has an endless reign,
“ Yourselves a link in the eternal chain.”

Yes!—my beloved children: treasure up these admirable sentiments of Persius: have faith in them: act upon them; and believe me ever

Your affectionate father,

ROBERT GOURLAY.

House of Correction, Cold-Bath-Fields.

London, May 29th, 1826.

TO THE PUBLIC.

THE foregoing letter points out the ground I have taken, and that ground I will maintain. It must not, however, be imagined that I am unreasonable. Were the world fully informed, most cheerfully would I submit to its *dicta* : go hence, or remain at command ;—most gratefully would I accept its favours. As it is, I must judge for myself ; knowing, that without adherence to fixed plans and principles, there is no chance for me ;—knowing, that there is no mean in my destiny ; that I must either be considered mad and a fool, or quite the reverse ; that I must either sink into perdition, or rise superior to every ill, and prove highly useful to myself, my family, and my country. The world should know that I came to London, six years ago, for redress of grievances—for recovery of my rights and property : it should know that I have left no stone unturned in this pursuit, commendable even on public grounds. Will the world aid me in this, or must I succumb first to tyranny abroad, and then tamely put up with treachery at home ? Must I sit down contented, not only with the taint of unjust banishment ; but also with that of insanity ? Must I, a native Briton and father of a family, do this ? These are questions which the world should weigh well before it dictates, and puts me aside as a mere object of compassion :—these are questions which I would yet press on

consideration:—these are objects which most assuredly may be gained with public countenance.

This work was begun more than a year ago, but reasons existed, from time to time, for not publishing. Extract 15 will show that, at an early period, my wish was to publish by numbers, and that wish is still alive. From the beginning I was assured that newspapers afforded any thing but fair play, and that volumes would be required for complete development. These I could not readily produce, and, though produced, there was little chance of their being read as a whole.

The patient endurance of two years' imprisonment has, I trust, so far increased interest among the thinking portion of mankind as to ensure a fair start, and, thus begun, it will be my own fault if I fail. At present, I exhibit little more than what has appeared in newspapers, and proceed with comment only so far as to prove that the horse-whipping was not altogether unmerited. Should the printer, who has liberally done his part, be repaid for this much, more will be forthcoming. The speeches of Mr. Hume, Mr. Peel, and others: the conduct of the Speaker, and House of Commons—of Halls, the magistrate, and his masters—of the doctors, newspaper reports and opinions, &c. all require review before an adequate notion can be formed of a conspiracy, like to which nothing was ever before got up and persisted in for the ruin of an individual.

No one can suppose for a moment that the mere peccadillo in the lobby was the sole cause of double arrests and double punishments; or that I would remain obstinate were simple questions alone at issue. No: the wrath—the revenge—the remorselessness has been long treasured up, and its virus cannot be exhausted but by endurance.

Here is the catalogue of my crimes. In 1808, I espoused

the cause of the farmers against the *Lairds* of Fife. In 1809, published a specific plan for parliamentary reform. In 1815, demonstrated that church property was the property of the people; and, in the same year, posted the Bath Society as rogues, for deserting the commutation of tithes and originating the Corn-bill. In 1818, I held the Upper Canada Convention for inquiry into the state of that Province; and all along have taken part with the poor against the rich. For these causes there is no forgiveness,—no liberty, till I confirm by my own act a sentence of insanity.

The Appendix may be purchased along with this, or after numbers, at pleasure. It must not be hastily criticised, as it cannot possibly be understood till fully referred to. Scarcely a letter has been exhibited, even in the notes, which may not be yet spoken of; nor is there a petition that was not drawn up with a view to an important end. Should the work proceed, the Appendix will be added to, series after series, as required, the materials being Recent Correspondence with, and about, Canada: Papers written in Pauperism, and while tortured with Chancery Delays: Letters to Lord Eldon, Members of Parliament, &c. Were all these and other documents before the public with a connecting narrative, not only would my persecutors be put to the blush, but a train of evidence be made out proving, at once, such adherence to great public pursuits, such determined resistance to oppression, and such uniform regularity in private affairs, as, perhaps, no other man can boast of. I am anxious to publish these documents and this narrative; not only that I may surmount trials, but put to valuable use the experience of my life; and though I will not stoop as an object of charity, most humbly do I solicit aid to enable me to accomplish this work.

R. G.

June 9th, 1826.

ERRORS AND OMISSIONS.

Page *xxv*, line 18, *for* for years—*read* four gloomy years.

— *xxvii*, line 19, *for* were to ask—*read* were to be asked.

— *xxxiv*, line 12, *for* the frothy—*read* its frothy.

— *xxxvi*, line 12, *for* experience—*read* experience of it.

— *xxxviii*, after the words (line 12 from the bottom) I did not know that counsel was engaged—*insert*—

Mr. Gourlay. As you are prepared to oppose it, I should be glad to know if there is a prosecutor in Court, and who, and what he is.

Chairman. We have only the commitment of the magistrate, by which you were sent from Bow-street to the House of Correction.

Page *lv*, add the following note, by the Editor, after the signature, line 22 :

We were not aware that we had ever spoken unfriendly of Mr. Gourlay; but we have no objection to give him the trifling satisfaction of printing his letter.

APPENDIX.

Page 11, line 25, *for* provisions—*read* provision.

— — — 21, *for* persons—*read* person.

— 16, — 9 (from the bottom), *for* withdraweth—*read* withdraw with.

— 19, — 5 (from the bottom), *for* three—*read* eight.

— 20, — 2, *for* opinion—*read* opinions.

— 23, — 2, *read* matters essential *for*.

— 24, — 10, *for* immediately—*read* particularly.

— 25, — 30, *for* public lands—*read* public and unappropriated lands.

— 26, — 15 (from the bottom), *for* at home—*read* at home and abroad.

— 31, — 3, *for* opinion—*read* advice.

— 33, — 33, *erase* which has been.

— 36, — 29, *for* troops—*read* British troops.

— 57, — 5 (from the bottom), *for* whole estimated means—*read* whole means.

— 64, — 22 (from the bottom), *read* Upper Canada.

— 72, — 9, *for* gained—*read* regained.

— 73, — 13 (from the bottom), *erase* my.

— 77, — 20, *for* creditors—*read* creditors to consult together.

— 83, — 17, *for* the case—*read* his case.

— 163, — 25, *for* fell—*read* fate.

— 189, — 14, *for* the—*read* their.

— — — 22, *erase* the.

— 190, — 14, *for* obliged—*read* induced.

— — — 26, *for* his letter—*read* his last letter.

— 192, — 3 (from the bottom), *insert*—and that government were disposed to give every facility to any practical scheme for mitigating the distresses of the labouring classes.

APPEAL.

BEFORE saying a word for myself, I shall submit, to perusal, newspaper reports and opinions, in the order of their dates, as a history of my case and *exposé*; then complete that history with comments. Beyond the beautiful lines of Byron, exhibited in my title page, every syllable of which is strictly applicable to me, I shall advance nothing to engage feeling, my wish being to subject every question to the test of reason alone; and I say so at once, that the reader may join issue with me in this respect.

No. 1.

BREACH OF PRIVILEGE.

THE SPEAKER.—I wish to take this opportunity, as the House is now tolerably full, to state to them a circumstance which greatly affects the privileges of the House. Shortly after I had taken the chair, I was informed that an Hon. Member of this House had been grossly assaulted by some person in the lobby, or some of the precincts of the House. I immediately directed the Serjeant to take the individual into custody: he, accordingly, did so, and the person is now in charge. The name of the individual so offending is Gourlay: the Member assaulted is the Honourable and learned Member for Winchelsea (Mr. Brougham). I am now desirous to receive the directions of the House as to the course to be pursued.

Mr. BROUGHAM and Mr. Secretary CANNING rose at the same moment, but the Right Honourable Secretary having given way, the Honourable and learned Member said,—You have been rightly informed, Sir, as to the circumstances of the case: as I was passing through the lobby, a considerable number of persons were standing there, and I heard a voice among them ask whether that was a particular person just then passing; he was answered, yes; and just at that moment I felt something touch me twice, as it might be a small switch, which was accompanied by some observations. On turning round, I saw a man with rather a wild expression of countenance, and he was then held by the persons who surrounded him. I think he said his name was Gourlay. I asked him what he wanted, or what he meant, and he replied, “you have betrayed me.” I remember to have seen him about three years ago, on the subject of a petition, which I then presented

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to the House, and I have not the slightest recollection of any other circumstance respecting him, except that I have an impression on my mind of having been told that he was occasionally deranged. I have understood, from an Honourable and learned Friend, that he was once in much better circumstances, and, indeed, I think he mentioned, in his petition, that his distresses, which were very great, had the effect of disordering his intellect.

Mr. Secretary PÆL made a statement to the House, but in a tone so very low as to be quite inaudible in the gallery: we understood the Right Honourable Gentleman to have alluded to some letter written by Mr. Gourlay, of a description such as no man would write.*

Mr. HUME stated that Mr. Gourlay had lived in a very respectable way in Canada; that he had been confined in consequence of derangement,† and was then sent home to England. He had presented two or three petitions from him on the subject of the Poor Laws. Subsequently to this he went down to Wiltshire, where he rented a farm under the Duke of Somerset, and after this he broke flints upon the roads, and lived as a pauper among the poor of the parishes. He subsequently became sane,† and intended returning to America, and he and some other persons had given him assistance to return.† He thought he had gone to America, and it was only within the last ten days that he had received a letter from him. He had written a very good work upon the state of Canada, and when he was sane, he was a very sensible man, but his mind was frequently in a very disordered state.†

Mr. CANNING said he apprehended the ordinary course of proceeding, in a case of this kind, would be, to have the individual brought to the bar, before the House came to a determination on the subject. Perhaps the more advisable course would be to stay any further proceeding to a future period, when the House would possibly be in possession of such information, as to the state of his mind, as would enable it to form a more accurate and satisfactory conclusion. Under that impression, it would appear that the question was deferred, not from any disregard to the circumstances that had occurred or indifference to the privileges of that House.

Mr. BROUGHAM said he was himself satisfied that the individual laboured under derangement, or something tantamount to it. As far as he was concerned, he had not for three years any communication with the individual in question, except (as we understood) as to the courtesy of presenting a petition.

Mr. Secretary CANNING. The individual is now in custody, and, therefore, no great inconvenience can arise from allowing the means of further information.

The SPEAKER. It is the pleasure of the House that the individual now in custody shall stand committed until the House shall adopt further proceedings.

Here the question of privilege dropped.

Extracted from the Courier, June 12, 1824.

* Another newspaper reported thus, "written a letter which no rational man would write."

† This is altogether a monstrous mis-statement.

ASSAULT ON MR. BROUGHAM.

At a quarter past four o'clock, yesterday evening, as Mr. Brougham was passing through the lobby of the House of Commons, to attend his duty in parliament, a person who walked behind him, and held a small whip in his hand, which he flourished, was heard, by some, to utter, in a hurried and nearly inarticulate manner, the phrase "you have betrayed me, sir; I'll make you attend your duty." Mr. Brougham, on encountering this interruption, turned round and said, "who are you, sir?" "You know well," replied the assailant. Mr. Brougham, perceiving the person still pressing upon him in a rude manner, passed on to the door of the House of Commons, and took no further notice of the assailant. The bustle excited on the occasion attracted the attention of the constables in attendance, and, we understand, of Mr. Little and Sir G. Robinson, who were entering the House of Commons at the moment. The consequence was that the individual was taken into custody by Cook, the constable, and the whip taken out of his hand. The prisoner stated his name to be Robert Gourlay, one with which the public have for the three last years been conversant in the reports of Parliamentary and Chancery proceedings. He, at one time, presented petitions which excited discussion in the House of Commons, complaining of oppression from the local authorities in Canada; he was afterwards heard of in Wiltshire, as being employed on the roads in parochial labouring work. He has lately been engaged in a Chancery suit with the Duke of Somerset, about the tenure of a farm. From the appearance of the individual yesterday, coupled with the eccentricity of his recent conduct, an inference would arise more of a nature to excite a feeling of compassion for this person, who once moved in a different situation of life, than to point him out as a fit person to be held sternly responsible for his actions. His appearance is decayed and debilitated; and, when removed into one of the committee rooms of the House of Commons, in the custody of the constable who apprehended him and Mr. Gifford, the messenger, he let fall his head upon his hand, as a person labouring under the relapse incidental to violent excitement. He complained of some neglect of Mr. Brougham's respecting the presentation of a petition from Canada, which, we understand, has no foundation, and the course taken by Mr. Canning in postponing the consideration of the breach of privilege, supports the inference of the irresponsibility of the individual, for a reason apparent from the very foolish nature of the act itself. On being, in the course of the evening, told that, if he would express contrition for his outrage, Mr. Brougham would instantly move for his discharge, he refused to make any apology to Mr. Brougham, but said he had no objection to petition the House. He added, that he was determined to have a fight with Mr. Brougham, because he had shamefully deserted his cause, and taken up that of a dead missionary. It is hardly necessary to add that Mr. Brougham is totally unconscious of the alleged desertion, and that Gourlay labours under a complete and melancholy delusion. In the course of the evening he was visited by Drs. Morris and Sutherland.

Extracted from the Courier, June 12, 1824.

No. 3.

TO THE EDITOR.

House of Commons, June 12, 1824.

SIR,—Seeing it this day reported in Parliamentary Debates that I had been insane, with insinuations that my conduct, yesterday, in the lobby of this House had proceeded from something of the kind, will you allow me to inform my friends, and the public, through the medium of your paper that I never was insane, nor ever more free from mental disease than now. Let it be considered that circumstances will justify very extraordinary measures: let it be remembered that Christ whipped the rascals out of the Temple; and before I am condemned let me have fair opportunity of being heard.

ROBT. GOURLAY.

Published in the Courier, and Globe and Traveller, same day.

No. 4.

It will be seen by our report of parliamentary proceedings that Mr. Gourlay, the author of a work upon Canada, whose name has been much before the public in a Chancery suit with his Grace the Duke of Somerset, chose to horsewhip Mr. Brougham, the Member for Winchelsea, in the lobby of the House of Commons, on Friday evening. The House voted Mr. Gourlay mad, and he is now in custody, and has been visited by doctors celebrated for their treatment of lunatics. The writings and petitions, as well as the conduct of Mr. Gourlay, fully justify the suspicion of his derangement; but we are now inclined to believe he has his lucid intervals.

Extracted from the John Bull, June 13, 1824.

No. 5.

CASE OF PRIVILEGE.

The SPEAKER said that he had to submit to the House a letter that he had received before he had entered that House, from Doctors Monro and Sir Geo. Tuthill, who, at his desire, had visited Mr. Gourlay, at present, by the order of the House, in the custody of the Serjeant-at-Arms. The letter was read as follows:

“Having, in obedience to your commands, visited Mr. Robert Gourlay, at present in custody by order of the House of Commons, with a view of ascertaining the state of his mind:—after repeated conversations with him, and after hearing from him the details of the events of his life, coupled with the late occurrence, it is our opinion that he has laboured under unsoundness of mind: that he was of unsound mind when he assaulted an Honourable Member of the House of Commons; and, that he continues in the same state still.”

Mr. Secretary CANNING said (as far as we could collect, for he spoke in an unusually low tone) that, after the letter just read, the House would feel it expedient, on the question of privilege, to proceed

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no further (hear, hear). There still arose a great difficulty as to the future proceedings. He was disposed to think that the better course was to detain the individual where he was, until an opportunity was afforded of having some communication with his friends.

Here the matter dropped.

Extracted from the Morning Chronicle, June 15, 1824.

No. 6.

Mr. Robert Gourlay remains in custody at the House of Commons. He is with two messengers in the prison-rooms. A friend appeared, in consequence of what was said in the House of Commons, by Mr. Canning, and proposed to take some care of, and make some arrangements for, Mr. G.; but Mr. G. would not accept of them. He insisted on remaining in custody, and on being called to the bar. He has prepared a petition, which has been forwarded to an Honourable Member, and the case is expected to be mentioned in the House of Commons this day. The prisoner is well provided by Mr. Bellamy, the Commons' coffee-house keeper.

Extracted from the Courier, June 17, 1824.

No. 7.

TO THE EDITOR OF THE BRITISH PRESS.

Prison-Room, House of Commons, June 18, 1824.

SIR,

I have read in your paper Mr. Owen's letter, complaining that Lord Lauderdale had declared Mr. Owen's plan to be worthy only of contempt; and saying that, his efforts with parliament having failed, he himself was about to commence practically.

It will be remembered that Mr. Owen stated, prior to his first meeting of last year, that nothing more was required to relieve Ireland from distress than "to unite and employ the people;" and that I appeared at his meeting, offered to unite with him, and labour till Christmas for three shillings per week. Mr. Owen held my offer in contempt, and would not engage. How, then, should he expect any thing but contempt from others? The fact is, that I intended practically to illustrate the vanity of his expectations by his own conduct. At his second meeting, seeing that the farce of relieving distress in Ireland was carried on by well-dressed people, gravely listening to an orator who, seated in a chair, belched forth nonsense, with a table before him exhibiting the king, the nobles, and the wealthy classes comfortably arranged, while labourers and paupers were flung aside as so much rubbish, I protested, in the name of the labourers and paupers of England, against the abominable trifling of the meeting. The public, I think, may now reflect upon all this to advantage; and, perhaps, it may go so far in proving me more sound of mind than parliamentary doctors imagine.

But, sir, Mr. Owen's practical endeavours are more worthy of notice than his hopeless visions. Last April, having gone to visit my family in Scotland, I took Motherwell by the way. There I saw ground staked out for one of Mr. Owen's villages: was informed that four men had

begun to dig clay for bricks; and that the country people had named the place "*The New Jerusalem*." As an experiment, it is well worthy of encouragement, and, I hope, will go on with abundant means. It is what Mr. Owen should have set about six years ago, when the first subscription was raised. Unfortunately, he then attacked *faith*, without which nothing can be done in this world: now that he is about to show *faith* by works, she will, I trust, return to his assistance, and he has my most hearty good wishes.

ROBERT GOURLAY.

Published in the British Press.

No. 8.

The House of Commons seems to be at a loss what to do with *Mr. Gourlay*, now that they have taken him into custody. They have applied for *affidavits* of his insanity to the physicians, who have examined him; but the latter decline doing any more than signing *certificates*, which, it appears, will not authorize his committal to a mad-house. He has been *invited* to go away, but this he refuses, as it might countenance the idea of his lunacy. When the House rises, which is expected in the course of the week, he may *legally* depart. It is hinted that a high official character, with whom *Mr. Gourlay* has had much to do, is a little afraid of him; for it has been remarked that his Lordship, who had been accustomed to walk to and from the House of Peers, has, within these few days, used his carriage for that purpose.

Extracted from the News, June 20, 1824.

No. 9.

ROBERT GOURLAY.

The situation of this unfortunate person has excited the keenest sympathy among all who can feel for poverty and distress. He is now mewed up in the "resting place" of the House of Commons, in daily dread of being handed over to a lunatic asylum. His faculties may be disordered, but we do not look upon the assault on *Mr. Brougham* as a proof of this. He was more anxious to state his many woes to the House of Commons, and it was therefore a matter of indifference to him whether he encountered that or any other Honourable Member. His object, however, will not be attained. We would advise some inquiry to be made into his unhappy case. He has been the victim of agricultural distress, and why should he not experience the bounty of government equally with those whom public measures have destituted?

Extracted from the Sunday Times, June 20, 1824.

No. 10.

TO THE EDITOR OF THE BRITISH PRESS.

Prison-Room, House of Commons, June 24, 1824.

SIR,

Seeing that *Mr. Owen* had commenced practically; that he had left town to build up the walls of the "*New Jerusalem*," I heartily wished him success; for even the failure of experiment is instructive and useful. Unhappily, while he, to good purpose, exchanged the pen for the trowel,

there was left behind "an heir to the inkstand" (alluding to a letter in the British Press, by Mr. Owen's son), and we now have in your paper a column of speculative weakness—a host of interrogatives, and "*a nation of machines.*"

For my writing there are two excuses. First, "I cannot get out," and have nothing better to do; second, should you publish this it may save some doctor's fees, and assist in bringing to issue that question of my sanity which puzzles the Collective.

Three-and-twenty years ago I got into the identical reverie which, for the last eight, has engaged Mr. Owen. I shut myself up at Bath for a week: thought of nothing else but a community of goods, green pastures, and quiet waters; and, at the end of that time, resolved that such a state of things was not desirable.

Six years ago I travelled through great part of North America: saw man at various stages of advancement in civilization, from the dull-eyed savage to the *cute* Yankee: saw boundless tracts of land lying waste for want of people: saw some in the hands of individuals, and some occupied by communities: saw its first settlement in Canada cursed with patronage and favouritism—Government and clergy reserves; and in the United States, marred with monopoly. I then first opened my eyes to the great principles—I may say the science of emigration and settlement,—a science which has since engaged much of my reflection—a science of my own. I then, confident of a liberal hearing, sent home communications to be laid before Lord Bathurst, as introduction to more, but in vain. I have since offered, again and again, to communicate; but, no!—the Colonial Department, regardless of science and principles, goes on, anon, squandering away public money, sending out poor creatures to Canada and the Cape, to be miserable themselves, and unproductive to their country; to retrograde in civilization; to people the earth with vulgarity and ignorance; to fool away the strength of our nation—that by which she may speedily become the mistress of the world, and be immediately the patroness of profitable and virtuous exertion.

The light of my theory and practical knowledge now concentrated, affords me the strongest assurance that the grand object of political economy should be the right disposal of landed property in new countries, and the disentanglement of it from restraint in those which have been long settled; exposing it to free circulation among individuals, unbinding it from entails, and suffering not an inch of it to remain for upholding superstition or arbitrary power.

Were man made for bread alone; were he, like bees and ants, intended only to toil; to collect in summer only what was to be consumed in winter; to buzz and to die, a community of goods and interests, parallelograms and dormitories would be the thing, and the whole thing; but, blessed be God, we are above the brutes, and have powers sufficient to "raise a mortal to the sky and draw an angel down!"—powers, which can only be brought into due action by individual exertion, highly stimulated. Man is specially distinguished from the brutes by having regard to property,—by having means of accumulating wealth, and rendering it not only subservient to his bodily wants but to the improvement and enjoyment of mind. He is the most selfish

of all animals, and nothing but necessity or ambition will make the most of him. The possession of property is the grand regulator—the grand stimulus for man; and the grand desideratum is to have the state of property made perfect. Justice should be done to the individual, but nothing more. Each man should be left to his free and unfettered exertions—to lose property or to gain it; to sink into the depths of misery, or rise to the ecstasy of bliss.

In Britain it is well that Mr. Owen's experiment should be made, that public curiosity may be gratified, and that his *plan* should no longer be a tub to the whale. In America it has been weighed and found wanting. I there visited several communities, where goods were held in common. I saw that these people produced, in the first place, a sufficiency of necessaries for their own consumption; and, beyond that, had goods in storehouses, for sale, of the best quality. Goods made by the Shakers, and seeds raised by them are sold at superior prices all over America. When you visit these people, you find their houses, furniture, utensils, all of the best—every thing in order, and delightfully clean; but they themselves are the poorest creatures alive,—without sentiment, without passion, without spirit; inferior, indeed, to their cōws; for they despise nature, abuse common-sense, and have filthy notions of their fellow men. From these communities look up to nations which, in a similar way, are unnaturally restrained, and dormant with dogmas. Look to the Hindoos and Chinese, and see what they have become, after centuries. Are they making advantage of the printing-press? or have they discovered any thing like gas and steam? Do they bravely come up to the *scratch* in boxing, or surmount the clouds in a balloon?—Oh, no: these are the results of freedom and liberal principles; and, when we have the state of property in England improved, as it may be, every thing else will improve in proportion: nor will those evils be ever felt which Mr. Owen thinks his community of goods and interests can alone repel.

ROBERT GOURLAY.

Published in the British Press.

No. 11.

MR. GOURLAY.

This individual, yesterday, sent a letter to the Speaker, containing a petition and several documents referred to therein; and soliciting the Honourable Gentleman to present the same to the House. In the former he denies the unsoundness of mind imputed to him, and appeals to his former petitions and the certificates of persons who know him.

By way of showing that “the affair in question, so far from having “proceeded from madness, was deliberately planned five months ago, “and having great and good objects in view, was approved by a friend “of your petitioner,” Mr. Gourlay proceeds to make the following singular proposal: “That the more to substantiate facts, and the better “to prove the purity of your petitioner’s motives, a paper was then “written, signed and sealed by your petitioner and his friend, which “paper your petitioner will allow a Member of your Honourable

"House to unseal and read for evidence of what is now averred; provided the Member will give his word of honour not to divulge a secret, which must thereby be known to him; but which it is essential to your petitioner's honour should be concealed from the public: a secret which no way affects any question to be discussed by your Honourable House." In conclusion, Mr. Gourlay says, "Your petitioner, seeing that the present Session of Parliament is now near a close; and that there is not sufficient time for your Honourable House to inquire into his case, his opinions, and his projects, entreats that your Honourable House will be pleased to address His Majesty, in order that your petitioner may have the royal confidence so far as to enable him fully and fairly to lay before ministers his case, his opinions, and his projects; to the end that these last may obtain royal patronage, if, upon disclosure, they shall be found worthy of such high honour and regard."

Extracted from the Courier, June 25, 1824.

No. 12.

Poor Brougham, of Brougham Castle, has suffered dreadfully within the last few days. The amateur pauper, GOURLAY, who crossed the Atlantic and settled in Canada, for the sole and patriotic purpose of insulting the government there, having failed in the experiment at home, despairing of attracting public attention, determined on horse-whipping the first M.P. he met with on a certain day. Poor Brougham was the victim. Gourlay was mad and determined to be mad; thus:

Brougham and Gourlay at first were friends,
But, when a pique began,
Gourlay, to gain his private ends,
Went mad and struck his man.

Gourlay has written a dozen letters a day to the Speaker and other Members of the House of Commons; and as a proof of his insanity has challenged Mr. Owen to a disputation, though what they should dispute about we know not, since their object is the same, namely "the welfare of the world; poor laws, reform, and emigration connected with it; the improvement of the British peasantry, and the spread of industrious men throughout the earth; the growth of humanity and the glory of God." Such, Gourlay declares, are his views, and my friend Owen, with whom I passed a happy month at New Lanark, proposes the same objects.

Extracted from the Literary Chronicle, June 26, 1824.

No. 13.

Examination of Mr. GOURLAY for the Assault on Mr. BROUGHAM.—Bow-Street.

THIS unfortunate gentleman has jumped out of the frying-pan into the fire; for though he got out of the House of Commons yesterday afternoon, he, got into the House

THIS person, it will be recollected, committed an assault on Mr. Brougham, a few days since, in the lobby of the House of Commons, and having been taken into

of Correction, at midnight. At half-past three o'clock, in the afternoon, Mr. Bellamy, the House-keeper of the House of Commons entered Mr. Gourlay's place of confinement, and told him he was at liberty to depart, for the House was prorogued, and it had no further control over him; but a warrant for his apprehension had been previously issued by the magistrates of this office; the officers watched his departure from the House, and having followed him as far as Bedford-street, in the Strand, they took him into custody. At half-past eight o'clock last night he was brought before Mr. Halls, and, after a three-hours' examination, committed, by him, to the House of Correction, Cold-bath-fields, as a dangerous person of unsound mind.

Sir George Tuthill and Dr. Munro were in attendance at this examination; and Mr. Gourlay having been brought into the office, accompanied by two of his friends, the following witnesses were examined:—

James Ellis produced the warrant, and deposed that he took Mr. Gourlay into custody at four o'clock in the afternoon, as he was walking along in the Strand, near Coutts's banking-house, accompanied by a friend, and that he made no resistance whatever.

Thomas Gook, of No. 4, Noel-street, in the parish of St. James, straw-hat-manufacturer, next deposed as follows:—At ten minutes after four o'clock on the afternoon of Friday, the 11th June, I was on duty in the lobby of the House of Commons, as one of the constables of the city and liberties of Westminster; when I saw Mr. Brougham come into the lobby, in his way to the body of the House; and, when he had got as

custody was handed over to the Serjeant-at-Arms, to abide the further order of the House. He remained in custody until yesterday afternoon, when being apprised that the parliament was prorogued and he was no longer a prisoner, he walked out of his place of confinement on his road homeward. When he arrived near the banking house of Messrs. Coutts, in the Strand, he was taken again into custody, under a warrant signed by the magistrates of this office, and dated Wednesday, the 16th inst. At half-past eight o'clock, last evening he was placed before the magistrate for the offence before alluded to.

James Ellis, one of the patrol, on producing his warrant, said he apprehended Mr. Gourlay in the Strand, about four o'clock last evening; he told him he had a warrant against him, but nothing more passed.

Thomas Gook deposed as follows: I am a constable of the parish of St. James's, Westminster, and reside at No. 4, Noel-street. On the 11th of June I was attending as one of the constables in the lobby of the House of Commons, and saw Mr. Brougham come into the lobby, in his way to the body of the House. He got about as far as the first pillar, when I saw Mr. G. come after him, and strike him several times on the shoulders

far as the first pillar, I observed Mr. Gourlay come after him, and strike him several blows on the shoulders and hat, with a small riding-whip. I got between them instantly; and, pushing Mr. Gourlay away, I said to him, "Do you know what you are doing, Sir?" He replied, "Yes, I do; he has injured me," or words to that effect. At the same time Mr. Brougham turned round and said, "Who is the man?—I don't know him—what does he want?" Mr. Gourlay replied, "You recollect my petition, which you neglected two years ago;" and, so saying, he took out his card-case, and offered Mr. Brougham a card. I then heard Mr. Gourlay say to Mr. Brougham, "Let the dead bury the dead, and you do your duty to me." I then took out my staff, and took Mr. Gourlay into custody; at the same time telling Mr. Brougham that I was a constable, and had Mr. Gourlay in charge. Mr. Brougham desired me to keep him in safe custody, and see that he had no fire-arms, or other dangerous weapons about him, with which he might injure himself or others, and to detain him until I received the orders of the House respecting him. Mr. Brougham added, "Poor man! I don't think he is in his right mind." Mr. Gourlay then said to me, "I see your authority, and I obey it." I then took him to a room in the back part of the House, and, having taken the whip from him, and a small pen-knife, I gave him a seat by the fire-place. He remained in my custody between two and three hours, and I then delivered him into the charge of the Serjeant-at-Arms. Whilst he was in my custody I asked what he meant by saying "Let the dead bury the dead," and he told me

and hat, with a whip. I interfered, and got between them, and said to Mr. Gourlay, "Do you know what you are doing?" He said, "Yes; he has injured me." Mr. Brougham immediately turned round and said, "Who is that man?—I do not know him—what does he mean?" Mr. Gourlay replied, "My name is Gourlay; you recollect, or you remember my petition about two years ago." Mr. Gourlay then put his hand in his waistcoat pocket, and, pulling out a card-case, offered Mr. Brougham a card, saying, at the same time, "Let the dead bury the dead, but do your duty by me." I told him he was in my custody, and, shewing him my staff, called to Mr. Brougham. I told him I was an officer, and had charge of Mr. Gourlay's person. Mr. Brougham said, "Keep him in safe custody, but search him, that he has no fire-arms about him, to do himself any harm." I then told Mr. Gourlay to go to the back part of the room, where there was a seat, and to wait there till I received orders from the inside of the House. He replied that he saw my authority, and would obey it. I waited about ten minutes with Mr. Gourlay, when I received an order from the Serjeant-at-Arms to take him into a room above-stairs—one of the committee-rooms—where I remained with him about three hours, and until an order came for me to deliver him into the custody of Mr. Gifford, an officer of the House, and Mr. Bellamy informed me he was to go into the custody of the Serjeant-at-Arms.

Was there any particular con-

Mr. Gourlay. Was not my attack as mild as possible ?

Witness. As to the mildness, there were five or six smart blows, I believe.

Mr. Gourlay. Was there any thing incoherent in my manner ?

Witness. Certainly not.

Mr. Gourlay. Did you think me insane before Mr. Brougham gave you hint that I was ?

Witness. I don't know what I thought at the first moment : I had not time to reflect. It was your conversation afterwards which chiefly gave me the idea.

Mr. Gourlay. In that conversation you say I quoted Scripture. Why should quoting Scripture make you think me insane ?

The witness was about to reply, when he was interrupted by the magistrate, observing that the witness had answered generally, to the best of his belief. — “And now, Sir,” added his worship, “I will thank you to explain to me why you conducted yourself towards Mr. Brougham in the manner described ?”

Mr. Gourlay. I should first ask on what authority I am brought here ?

Mr. Halls. On the authority of my warrant.

Do you know of my using any incoherent expressions ?—Yes, you did make use of many incoherent expressions.*

Was it done with any sort of wildness in my looks ?—I cannot directly answer that, but had it been done in the street, I should not have taken notice of it, but I considered it more to hurt the feelings than the person.

Was it from expressions made by Mr. Brougham, that you formed the opinion of my being insane ?—No, sir ; it was not from that : my opinion was formed from the whole of the circumstances, and from hearing you mention “Let the dead bury their dead.”

Then you consider a quotation from Scripture was insanity ?—I did not think it had any reference to the question.

They were very proper words, and I'll defend them.—I did not form my opinion from the words, but from circumstances.

Mr. Halls remarked that all this examination was useless ; he said that he formed his opinion, not from the words, but the circumstances.

Mr. Gourlay contended that he had a right to proceed in this cross examination.

Mr. Halls again interrupted.

Mr. Gourlay, I had not even an opportunity of looking at the warrant on which I was apprehended ; but will you inform me why I am brought here, and the object of this examination ?

* This is a palpable error of the Reporter, or the press.—The opposite report is correct.

Mr. Gourlay. At whose instance?—you are my judge, I presume, and not my prosecutor.

Mr. Halls. It is sufficient, at present, that you are here; and if you choose to explain your conduct, I am ready to hear you.

Mr. Gourlay. I wished to compel Mr. Brougham to do me justice.* He has neglected my interests.

Mr. Halls. Or, as you said at the time, he has injured you.

Mr. Gourlay. Exactly so.

Mr. Halls. And therefore you took this step?

Mr. Gourlay. Yes.

Mr. Halls. And do you think it a rational proceeding?

Mr. Gourlay. Why such things are done without being attributed to insanity.

Mr. Halls. But if you are a sane man, as you say you are, you must be aware that it is most improper to commit a breach of the peace any where, and especially in such a place?

Mr. Gourlay. I did not think it improper: I never was more cool or deliberate in my life, and we had determined upon it five months before.

Mr. Halls. Who was it that advised you to it?

Mr. Gourlay. A friend of mine, a Mr. Hamilton; but I do not wish to inculpate him; and he went abroad some months ago.

Mr. Halls. To ascertain the nature of the assault between you and Mr. Brougham.

Mr. Gourlay. At whose instance am I arrested?

Mr. Halls. You are arrested in consequence of my warrant.

Mr. Gourlay. Some person applied for it?

Mr. Halls. You are brought here and charged with an assault.

Mr. Gourlay. Then I am not entitled to know at whose instance?

Mr. Halls. No: it is sufficient for me to know that the assault has been committed: have you any thing to state in answer?

Mr. Gourlay. I wished Mr. Brougham to feel his neglect, which has greatly injured me.

Mr. Halls. Then you consider yourself as authorised to take this step?

Mr. Gourlay. I did so; and considered it perfectly rational.

Mr. Halls. It was not rational for you to assault Mr. Brougham in the House of Commons.

Mr. Gourlay. I admit that.*

Mr. Halls. Then you are aware that you have committed an assault, which is a breach of privilege.

Mr. Gourlay. I never was more resolved upon any thing in my life. I had consulted a friend, and it was agreed to be done five months before. I was perfectly cool and collected at the time I did it.

Mr. Halls. By whose advice was it?—What was the name of your friend?

Mr. Gourlay. Dr. Hamilton was the person who advised me; but I do not know where he is now. I believe he is on the continent; but I do not wish to bring him into the matter. I mention

* This is an error of the Reporter.

* This is not quite correctly reported.

Mr. Halls. Then your explanation is that you attacked Mr. Brougham deliberately?

Mr. Gourlay. Perfectly so.

Mr. Halls. And you would have attacked him even in the House?

Mr. Gourlay. Oh, God!—No! just in the lobby.

Mr. Halls. Would you have attacked him if you had met him in the Strand this afternoon?

Mr. Gourlay replied that he would not; and he then went on to state that he was perfectly aware that he was about to do an extraordinary thing before he attempted it; and, fearing it might be construed into madness, he wrote a letter to Sir Ronald Ferguson, to be delivered to him as soon as he had succeeded in his attempt. This letter he sealed, and showed to a friend, requesting him to put his initials upon it, together with the word "*seen*," in order that he might be able to testify that he was in sound mind at the time. He then sought Mr. Brougham; but he missed him; and he wrote other letters, day after day, taking the same precaution with them as with the first, until he met with Mr. Brougham, and behaved to him as had been described. The gentleman to whom he had shown these letters was now present, and would answer any questions that might be put to him.

He then called Mr. *James Barber*, of No. 13, Clifton-street, surgeon, and, in answer to questions from the magistrate, he said he had been intimate with Mr. Gourlay since January last, and believed him to be in his perfect senses. When he showed me the letters, he said he had some important business in hand, the nature of which he did not wish me to know, but he wished me to put my initials on

his name because it was said I was insane, whereas the matter was premeditated.

Mr. Halls. Then you advised with Mr. Hamilton to do it?

Mr. Gourlay. No, I did not advise with him; but, when I had determined on the thing, I mentioned it to him, and obtained his approval of it.

Mr. Halls inquired if he meant to say that he committed the assault deliberately.

Mr. Gourlay. Quite deliberately: it was my intention to do it in the lobby of the House; no other place would have answered the purpose. I was aware that, in doing this thing, I should be considered insane, and that it would appear extraordinary; I had, therefore, written a letter to Sir Ronald Ferguson, which I intended to have sent after it was done. After I had written this letter, I showed it to a friend, and wished him to put his initials to it, to say that I was right in my mind: not meeting with Mr. Brougham the day the letter was written, I wrote a second, and then a third, each time getting my friend to mark it; and these I intended as a convincing proof that I never was more calm in my life.

James Barber was then called by Mr. Gourlay.—He said he resided at 13, Clifton-street, Finsbury, and was a surgeon. He said he had known Mr. Gourlay some time, but more intimately since January last, when they lodged in the same house. He never heard of the assault intended to be committed upon Mr. Brougham; nor was he acquainted with Dr. Hamilton. Some time previous to the assault being

the letters, and bear witness that he was in a perfectly calm state of mind.

Mr. Halls. Did it not occur to you that this was a very singular request?

Mr. Barber answered in the negative; and, in reply to a number of questions put to him by Mr. Gourlay, he said he never saw anything in that gentleman's conduct which led him to think him insane, or at all of unsound mind.

committed, Mr. Gourlay showed him some sealed letters, which he enclosed in a packet, and also sealed it. Mr. Gourlay said he had some intended business of importance to perform, and merely wished him (the witness) to put his initials on the outside, and say that he had seen the packet, and that he might recollect he saw him in the same state of mind as he formerly was. Mr. Gourlay had, before, been quite calm, and he (the witness) accordingly put his initials, and the word "*seen*" on the outside, two or three times; this was repeated on the packets, but he did not ask Mr. Gourlay for what purpose they were intended. It was a simple request, and in itself had no effect upon him.

Mr. Halls. Now, I ask you, as you are sworn, had you any particular conversation with Mr. Gourlay?—I have communicated with him, certainly, but I had not spoken to him of the assault before it took place. Were the packages directed to any body?—They were directed, but I cannot say to whom I knew they were directed to some person whose name I have since heard, but I did not know it at the time, although I wrote upon the same side that the address was on. I have since heard that they were addressed to Gen. Ferguson; but, not considering it a matter of importance, I did not take notice of it.

Mr. Gourlay. Now, Mr. Barber, you have been acquainted with me some time, and have observed me in the house. Did you ever observe anything improper in my behaviour, or any irregularity that would lead you to form a conclusion that I was deranged, or that I was a madman?

Mr. Barber replied in the negative.

The Magistrate then questioned *Mr. Barber* upon his practice as a surgeon among insane persons. He said that he had seen persons insane, but he had very little experience in that part of the practice.

Mr. Halls remarked that it was very singular that a man in the profession, but who had very little practice, should give so decided an opinion.

Mr. Barber replied that he certainly did not consider *Mr. Gourlay* deranged. He was in the same state of mind he had previously been, and, as far as his observations went, he was of the opinion he had already declared, although he did not wish to state it in opposition to the great medical gentlemen he saw on the bench.

Mr. Gourlay considered that that was perfectly satisfactory, and that the evidence of *Mr. Barber* was a decided opinion that he was not deranged.

Mr. Halls remarked that, however *Mr. Gourlay* might be satisfied, he required further inquiry.

In answer to *Mr. Gourlay's* question, *Mr. Barber* said that he never considered *Mr. Gourlay* insane; that *Mr. Gourlay's* conduct had always, in his house, been proper and regular; and never did the persons in the house say he was insane.

Mr. Gourlay then called on *Mr. John William Bannister*, who described himself as a student of the Middle Temple, residing at 16, Elizabeth-terrace, Islington, and said he had known *Mr. Gourlay* nearly three years.

Mr. Gourlay. You have known me, *Mr. Bannister*, a long time—walking and conversing with me much. Did it ever occur to you that I was a madman?

Mr. Bannister. Certainly not.

John William Bannister, of No. 16, Elizabeth-terrace, Islington, and student of the Middle Temple, was next called by *Mr. Gourlay*. He said he had seen *Mr. Gourlay* both at home and abroad;* he con-

* This is a mistake of the reporter. *Mr. Bannister* never saw me abroad. He arrived in Canada after I left that country; lived there more than a year; and learned from hearsay how I had been treated in prison, and what was the consequence on my trial.

of a singularly enthusiastic turn of mind; but by no means unfit to conduct yourself or your affairs.

Mr. Gourlay. You do not believe me capable of doing any act from malevolent motives? — Certainly not. On the contrary, I never knew a man of more urbanity, replied Mr. Bannister.

Mr. Gourlay. You believe that I would not do such an act, except in justification of my honour?

Mr. Bannister. I firmly believe you would not. I should not conceive that it proceeded from insanity, but from strongly-excited feelings.

Mr. Gourlay. Did you ever see any thing like a revengeful spirit in me?

Mr. Bannister. Quite the reverse. I have seen you in most trying situations, and I never heard you express yourself revengefully.

A long conversation now took place, on the subject of Mr. Gourlay's sufferings in Canada. He stated that he had been rigorously confined there, on a prosecution for a libel, and, when brought out of his dungeon, he was affected by giddiness, in consequence of his coming suddenly into the cold open air. In this state he was immediately put upon trial, though he was so ill that he was unable to conduct his defence; and it was in the hope of procuring a new trial that he forwarded a petition to the House, through Mr. Brougham; but that gentlemen kept it by him until his witnesses had left England, and then threw the petition on the table of the House, when it could be of no service to him whatever. The magistrate seemed to think the *giddiness* he spoke of was a touch of insanity, but Mr. Gourlay indignantly repelled the idea; and, after a long and rather

considered him of a singular and enthusiastic turn of mind. He did not consider he would do an act of the kind from malevolence, but he considered it his enthusiastic turn of mind. He did not consider he would do such an act, excepting when his feelings were sensibly touched, and it was to retrieve his honour. He saw nothing revengeful in his nature. He could assure the bench that Mr. Gourlay had been a great sufferer in Canada. He was imprisoned for a libel, and, having laid there for some time, he was brought out to his trial, where he suffered much from the effects of long confinement. On entering the court, he appeared like a man intoxicated, and throughout the day, on which the trial lasted, he was unable to take that active part in his defence which long confinement had prevented him from doing. He, therefore, was anxious to obtain a reversal of the sentence passed upon him, or a new trial. This alone could be obtained by petition to parliament; and then it was that one was forwarded to England.*

Mr. Gourlay, in vehement terms, stated these circumstances and represented to the magistrate the treatment he had received when he forwarded his petition to Mr. Brougham.† It laid, he said, in his hands day after day, and week after week, until the witnesses returned to Canada, and then it was that Mr. Brougham flung it before the House. These circumstances, he considered, were a sufficient justification for his committing the assault; and to endeavour to ob-

* This is another mistake of the reporter. Mr. Bannister did not speak of a petition being forwarded to England.

† Incorrectly reported.

angry altercation, the magistrate called upon Sir George Tuthill and Dr. Munro to give their opinion of the state of Mr. Gourlay's mind. These gentlemen confirmed their affidavits, which have been already published, declaring Mr. Gourlay to be, in their opinions, decidedly of unsound mind, and adding that they had seen nothing since which could induce them to alter that opinion.

Mr. Gourlay urged Sir George to say upon what grounds he had formed that opinion. Sir George replied, that he had formed his opinion as well from the transaction in the lobby of the House of Commons as from Mr. Gourlay's subsequent conversation; and he was confirmed in it from his having asserted to him, in plain terms, that he would commit the like outrage again, under the same provocation.*

Mr. Gourlay still repeated his questions, and, at length,

The Magistrate cut the matter short, by observing that he wished Mr. Gourlay to understand that he did not sit there to convict him of insanity. He merely required to know whether the assault in question had been committed; and whether, if Mr. Gourlay was suffered to go at large, he was in such a state of mind as to make it probable he would commit some offence for which he would be liable to be indicted. These were the words of a particular act of parliament (39 Geo. III. c. 24).† The warrant had been issued under that act, and there had been quite sufficient evidence to justify him in committing Mr. Gourlay to the Quarter Sessions, as a dan-

tain reparation for his injured feelings.*

Mr. Halls said he had requested the attendance of two gentlemen to speak to Mr. Gourlay's state of mind since the time they became acquainted with him: there were circumstances in his conduct very extraordinary and not fully explained.

Mr. Bannister considered that, as himself and Mr. Barber had known Mr. Gourlay two or three years, their evidence ought to have more weight than the learned doctors who were about to give evidence.

Sir George Tuthill and *Dr. Munro* were, however, sworn; and a paper being put into their hands, which purported to be the depositions previously made, stating that Mr. G. since being in custody, had exhibited symptoms of insanity; that they had seen several letters written by him; and considered that he had been, and was in a state of derangement; and appeared, if discharged, likely to commit an offence similar to the present. The medical gentlemen said that, from his statements, they considered, if set at liberty, he would commit the same offence as he had been charged with; they, therefore, confirmed their former opinion.

Mr. Gourlay. Do you consider, Sir George Tuthill, that it was a great proof of derangement in committing an assault in the lobby of the House of Commons?—Certainly, it was.

Do you consider it unsafe for me to go at large, having committed such an act there?

Mr. Halls considered that the question was for him to decide. He was not going to sit on the

* I said "under the same circumstances" not "provocation."

† 39 and 40 Geo. III. c. 94.

* Incorrectly reported; there was much more than feelings at stake.

gerous person, suspected to be of unsound mind. He should, therefore, commit him, and a jury might decide the question. In the mean time, he should take care that he was treated with every possible kindness; and he might be liberated upon bail, by himself, if he was satisfied with the security offered, or by judges, as Mr. Gourlay might think proper.

Mr. Gourlay was then removed in custody, and conveyed, in a hackney-coach, to the House of Correction, Cold-Bath-Fields.

Extracted from the Morning Herald, June 26, 1824.

bench to pronounce whether he was or was not insane. He was trying the question of assault; and if he was satisfied Mr. Gourlay was insane, he should commit him to the Sessions; at the same time, he should take care that he should not be at large. It had been proved, and he (Mr. Gourlay) had admitted, that he did assault Mr. Brougham, and he had said he would commit the act again. The doctors had, also, been examined: they proved that he was in an insane state of mind; and, under these circumstances, he felt bound, consistent with his duty as a magistrate, to commit him to the Sessions. Mr. Halls again stated his determination to commit Mr. Gourlay, under a particular act of parliament, for the assault. He might, however, be bailed, but not until the magistrates had satisfied themselves of the bail.

Mr. Gourlay again wished to be informed whether it was intended to say that he was a dangerous person, and one that ought not to be allowed at large?

Mr. Halls would not allow any further questions to be put to Sir George Tuthill. You are (addressing Mr. Gourlay) committed for the assault, and *suspected* of being insane.

Mr. Gourlay still pressed his question, and Mr. Bannister muttered that, probably, Sir George could not answer it.

Mr. Halls would not allow the question; and Mr. Gourlay said that he should not obtain justice, and that Mr. Halls was not fit to be a judge.

Mr. Halls then said, he was under the necessity, consistent with the duties of his office, to commit Mr. Gourlay to the House of Correction for the assault; but he would give particular directions

that he should have every necessary supplied him, and be in every respect treated as a gentleman. As the insanity had been proved, bail might be taken for his liberation; but it must be submitted to the magistrates or judges; at present, he was committed for his trial at the next sessions.

Mr. Gourlay again requested to have the question of insanity answered; and, also, the name of the prosecutor furnished; both favours, however, met with a refusal.

This examination occupied from half-past eight o'clock, until a quarter-past eleven, last night.

Extract from the Morning Chronicle, June 26, 1824.

No. 14.

We have received a petition, addressed to parliament, from *Mr. Gourlay*, to which we certainly would have given a place if we possibly could have done it. We think *Mr. Gourlay's* case a particularly hard one; and his second apprehension, on his way home from his parliamentary confinement, an act of needless severity.

We remember, for years, that *Mr. Gourlay* has been held up to the public by the whigs, as a most deserving ill-used gentleman, who was barbarously and cruelly persecuted by the Duke of Somerset, (who, although a *whig*, being a duke, was constantly the subject of attack;) and the *Morning Chronicle* was filled with the hardships of *Mr. Gourlay's* case; whole columns were expended to praise his talents, the energy of his mind, and the wonderful services he had performed in Canada. No sooner does he horsewhip *Mr. Brougham*, than the whole herd of whigs and radicals desert him, and he is left without defender or partizan, and pronounced mad.

It should, at all events, be understood that the punishment he has recently undergone was not inflicted for the high and mighty crime of horsewhipping *Mr. Brougham*, but for horsewhipping him within the precincts of the Parliament-House. It is no treason, nor any sin, that we know of, to horsewhip *Mr. Brougham*. The Speaker interfered because a riot had been made in the lobby, and the dignity of the House attacked. Now, indeed, that *Mr. Brougham* has got *Mr. Gourlay* bound over to keep the peace,* and answer for the assault, the thing is different. All we wish to have understood is that, with all the proceedings against *Mr. Gourlay*, *Mr. Brougham* and his horsewhipping have had nothing to do.

Extracted from the John Bull, June, 27, 1824.

* This is not true.

A strong proof of Mr. Gourlay's state of mind is now lying before us; it is the petition of that gentleman, which Mr. Brougham presented, in June, 1821, and which, at his instance, was printed, and is recorded in the Vote-Paper of the House of Commons. All, therefore, that Mr. Gourlay desired of Mr. Brougham was done by Mr. Brougham; and, from that time to the present, we are given to understand, that there has never been the least communication, direct or indirect, made by Mr. Gourlay to Mr. Brougham; nor was any complaint made, at the time of presenting the petition, that any thing had been left undone, by Mr. Brougham, which the petitioner had wished to be done. A clearer proof cannot be supplied of the unhappy condition of Mr. Gourlay's mind. He labours under a complete delusion; the ground of his assault on Mr. Brougham having no existence except in his own imagination.

Extracted from the Times, June 28, 1824.

TO THE EDITOR OF THE TIMES.

House of Correction, Cold-Bath-Fields, June 28, 1824.

SIR,

You have, in your leading article of to-day, advocated the cause of Mr. Brougham against me, and I cannot suppose you would be so officious without fee or reward. But however this may be, you will allow me the same conspicuous place to declare, in my defence, that, with the public ear, I shall coolly and fearlessly plead against the united powers of you and Mr. Brougham—against the leading journal of Europe and the greatest orator of the age. Yes, sir; and if the public declares against me I will apologize to Mr. Brougham: I shall even bow before him to the earth, with my back bare for a flogging. Saying this I withdraw not, in the mean time, the glaive thrown down as a test of sincerity and honour—that for which at all times my life shall be a ready offering.

ROBERT GOURLAY.

N. B.—Those who wish to see fair play will be so good as send me their addresses, in lists, pledging themselves to take the two first shilling numbers of a series of publications, which I shall then issue prior to my trial for insanity, which cannot come on before the 12th of next month. It shall be entitled "An Appeal to the Public, Gourlay *versus* Brougham, Colonial Policy, and the Collective; with good Reasons for Horsewhipping."

If the *nota bene* of the above must be considered as an advertisement, let me be charged for it as such.

Published in the Times of next day.

Mr. GOURLAY to the Editor of the Morning Herald.

SIR,

The cruel situation in which I am placed; not here, but before the public, as a man of unsound mind—one that must not be allowed to

go abroad, lest he cut his own throat, or that of some other person, induces me to offer you, for publication, a copy of a letter just now despatched to my daughters—the eldest, sixteen years of age. Perhaps, other editors may copy from your paper, and convey to my numerous friends, on both sides of the Atlantic, the best proof, not only of my sanity, but quiescence under the greatest of provocations, and while exposed to the most injurious of all slanders.

ROBERT GOURLAY.

Cold-Bath-Fields, June 28th, 1824.

LIFE IN LONDON.

Cold-Bath-Fields, June 28, 1824.

My last letter to you, my dear girls, was despatched from the House of Commons:—now I am in the House of Correction. I said that I had got by honest means into the former House, where not one of a hundred is seated but by bribery and corruption. There, the great proportion of inmates are blockheads: here, they are clever fellows, almost to a man; nay, I may say, to a woman; and, out of 520, we have 110 females. There I had much comfort: here I have still more. In the House of Commons I had excellent apartments, with three windows looking different ways, over the most interesting part of the metropolis; and, just before my departure, saw the King going to dismiss the *Collective*, from Whitehall, to the setting down within the porch of the House of Lords. His golden vehicle was drawn by eight cream-coloured horses, as fat as butter: that of the Master of the Horse, by six black ones, fatter still. The sight would have pleased, but for an unlucky contrast of these fat horses with the poor of Wily parish, which made me exclaim, “Vain pomp and glory of this world, I hate thee.”

The *alone** thing (as my friend Dr. Chalmers would say) in my former lodgings to be complained of was confinement within doors; here I have access to a delightful garden; the round in which is 500 paces. One walk is shaded by a high wall, and well adapted to contemplation deep; another is elevated, and commands a view of many surrounding buildings, with Meux's brewery towering over all. At one corner there is a piece of water, neither so big nor so pellucid as Lake Ontario, but sufficient for imagination to enlarge and purify: at another corner, we see a cage full of nymphs, not quite so fair as un-sunned snow, but bleaching whiter daily; while a little tread-wheel-labour paints their cheeks infinitely better than those of vermillioned court-ladies. Gentlemen from the purlieus of St. James's occasionally sun themselves in a balcony, occasionally play at ball in the area below, and a variety of characters saunter in the garden, among whom is one of Carlisle's shopkeepers, a female rather of interesting appearance.

* This word is so used by other authors, when *only*, or *sole* would be more proper. My justly-respected friend will excuse my pointing to his much too frequent use of it thus, as it smacks of affectation, than which nothing is more distant from the real character, admirable for genuine sincerity.

I walk sometimes fast, sometimes slow, as the fancy of the moment urges: sometimes rest on a bench, and thank God that I have plenty to eat and drink; free of expense and care: now and then a friend calls, bringing with him newspapers, and walks the rounds with me; and, at this moment, I am anxious only about my dear children, my mother, and my sisters, who may be alarmed with the absurd conduct and malice of my enemies; especially as things are mis-stated, distorted, and discoloured by that vile paper "The Courier," which, since it first laid the foundation of my ruin, in Canada, by publishing the infamous lie that I had escaped from Spa-fields; has never lost an opportunity to injure me. This you will find invariable, when you grow up in the world, that malicious people, when they have once done you mischief, will do so more and more. What the master blockheads, who sent me here, mean, I cannot tell. They do not punish me: they do not put me out of humour: they do not make me afraid; and I have been so thoroughly tried by oppression, which will make a wise man mad, that even this, I hope, cannot prevail over me. During the four years that have just gone by, while the bread, provided for you and my other dear children, before your birth, was cruelly and unjustly withheld; and when I was kept in continual suspense by Chancery delays, there was, indeed, at times, an extraordinary degree of pressure on my spirits, and, at other times, it was as much as I could do to keep down convulsion—now, I am light as air: have health and vigour beyond what I ever enjoyed; nor could any thing please me more than a few weeks' confinement here, which gives so good opportunity to study human nature, and get acquainted with prison-discipline. Howard had abundant means to open doors for him everywhere; but, for me, there was no innocent way of getting admission, till, happily, this God-send occurred, "the happy deed that gilds my humble name."

My beloved daughters, keep yourselves perfectly easy; and go on, as hitherto, making all about you happy. The seven years which we spent in Wiltshire, while your excellent mother yet lived, continually brightening our clouded fate with her good sense and cheerful resignation, and, while you were too young to know how we were beset with villany, were, indeed, years of bliss compared to the seven last, during which I have been unhoused, driven across the Atlantic for an asylum from persecution, only to be banished back to greater and unheard of sufferings. But these must have their use. It is quite impossible that a benignant Providence could have ordered such an extraordinary train of events without having in view some ultimate good. Laying aside every superstitious impression, it is even policy so to think; and to this thought I give myself up without reserve or doubt. You recollect that, when last with you in Edinburgh, I cautioned you against fanaticism, and bade you beware of a host of busy, silly, canting people, who, of late years, have sprung up in all quarters of the kingdom; who are eternally looking abroad for proselytes, instead of searching their own hearts; who are mad about missions and foreign charities, though ignorance and misery is at their very doors unregarded; who are either your whining lovers or your malignant slanderers; who disregard common

sense, and make religion only a stalking-horse for their vanity. Cautioning you against such fanatics, let me, at same time, warm your hearts, and strengthen your regards towards true religion; which teaches us to be kindly affectionate to each other, long suffering, cheerful, and contented—but, above all things, charity.

If you have not written, write, on receipt of this, to Clifton-street, as formerly; and believe me the same, bond or free, your affectionate father,

ROBERT GOURLAY.

To Misses Jean and Jessey Gourlay.

No. 17.

The treatment experienced by Mr. Gourlay is calculated, very seriously, to turn the attention of every individual towards the subject of imputed insanity. A subject which comes home to every man's feelings and bosom is more likely to command immediate consideration than any other of a public nature, however important. What is Mr. Gourlay's fate, may, to-day, or to-morrow, be the fate of any man in the community. There is no subject on which men differ so much in opinion of its reality, or non-existence, as insanity: none which is so easily imputed, so credulously admitted, and with such difficulty disproved. The most trivial and unimportant actions which might, at any time, and in one man, have created no surprise, shall, when there once exists a predisposition to believe him insane, be construed into undoubted marks of insanity; and great reason is there to fear—no, we believe to be assured that, from the force of this prejudice, many unhappy persons (in and about London) are secluded from society whose actions have been viewed through that distorted medium. If every person whose conduct is in some instances eccentric were to be brought by warrant before a magistrate, and subjected to confinement, we believe that the magnificent hospitals of St. Luke's and Bedlam must very considerably enlarge their bounds.

Mr. Gourlay, it will be recollected by our readers, struck Mr. Brougham with a switch, in the lobby of the House of Commons. Was there any thing insane in this? It was very imprudent: it was foolish; and he, probably, knew that he would be taken into custody for it. During his confinement, he wrote several sensible letters to the Speaker, requesting to be heard at the Bar of the House on the subject of his wrongs, which he had vainly endeavoured to bring before Parliament; and it is not unlikely that he might adopt this scheme, in order to effect his appearance for that purpose. This may, also, have been foolish; but it should be recollected that this gentleman has, for a long time, been irritated by proceedings in the *Court of Chancery*! and by the hand of aristocratic power. Well—the House sent two *mad-doctors* to him, who, in a short conversation, at once pronounced him *insane*. However, the Honourable House could not keep him in custody longer than the duration of their session, and, consequently, he was, on Friday, discharged. But the House still thought proper, by an ulterior measure, not to let go their grasp of this unfortunate gentleman, and, therefore, strange to say, he was followed up the Strand by a Bow-street

constable, who, as he was peaceably proceeding to his home, took him into custody, on a warrant, not for insanity, but for a breach of the peace! In vain did the astonished man demand at whose suit he was apprehended; in vain did he bring forward two gentlemen who had associated with him intimately for a series of years, and attested his undoubted sanity; in vain did Mr. Gourlay himself defend his cause with the same rationality that the most intelligent person could have exerted—the doctors having once declared him mad, persisted in their opinion, and he was actually committed *for an assault* to the House of Correction, the magistrate preserving a perfect silence, when asked by the prisoner, who was his accuser?—All this is very mysterious, and not very consonant with the old law of England, as we have been taught to understand it. But this gentleman has, in fact, been very troublesome to the Lord Chancellor, lately, in his sovereign court, by putting odd questions, and making odd complaints of its practice: he is the author of several ingenious projects for amelioration and reform in other departments than that of the law, and is for ever casting about his eyes on public evils, and their remedy;—in short, he was what the good, quiet supporters of the system, *as it now is*, called an intermeddling, troublesome fellow; and we advise Mr. Robert Owen, of Lanark, to mind what he is about, or his strange doctrines, which have already been pronounced in the *Wittenagimote*, or assembly of wise men, to be absurd and impracticable, may introduce him to the notice of a brace of cool-headed *mad-doctors*, who do not understand his eccentricities, and may vote him a proper subject for peeping through the bars of the House of Correction, or reposing on straw, within the confines of Bedlam.

Extracted from Drakard's Stamford News, July 3, 1826.

No. 18.

If we were to ask what is really cruelty, we should say the imprisonment of Mr. Gourlay, in Cold-Bath-Fields, at this moment. Not one syllable does the Times or Chronicle say of that person's sufferings. It should seem that he is lodged in a palace, and that it never rains at that end of the town; and that there are no bars and no gratings there. He has been committed to jail for having committed an assault. He has not been tried for it. He was shut up in the Parliament-House for several days, for having made a disturbance in the lobby; and when the delicate and unquestionable power of Parliament ended, by the termination of the Sessions, Mr. Gourlay was apprehended in the Strand, and sent off to jail in Cold-Bath-Fields.

Do we ever hear his name mentioned by the Whigs, by the Chronicle, who, before this event, filled half its pages with the wrongs and grievances of this very Mr. Gourlay? No: why then are those champions of oppressed innocence silent? Because Mr. Gourlay chose to horsewhip Mr. Brougham. Mr. O'Callaghan horsewhipped a clergyman; and, perhaps, he did not know he *was* one. Mr. Gourlay horsewhipped a Whig; perhaps, he did not know how he would like it. At all events, Mr. Gourlay stands much in the same predicament as Mr. O'Callaghan,

and we mention either of them, not for their own sakes, but as serving to illustrate that system of even-handed impartiality, which, in the art of Whiggery, is equally admirable with all its other leading features.

Extracted from John Bull, July 4, 1824.

No. 19.

MR. GOURLAY.

This gentleman last week forwarded to us a copy of his petition to the House of Lords, for which we had not room: it was, accordingly, returned to him, and we have received the following letter from him, which, with its enclosure (alike remarkable for their *naïveté*), we readily publish.

July 7, 1824.

SIR,

In conformity with my notice of Monday, the bearer will receive, at your office, my letter of last week—if you decline publishing it next Sunday. I copy out annexed a letter to the Earl of Eldon, which should have accompanied the petition sent you the week before, and which you may use as you please. I am the *person* whom you called *fellow*—and as independent of whigs and radicals as of Tories and sycophants. Your obedient servant,

ROBT. GOURLAY.

Prison-room, House of Commons, June 23, 1824.

MY LORD,

Hitherto I have addressed your Lordship as Chancellor: I now write to you as a British Peer; and, in that character, request of you to present for me to the House of Lords the accompanying petition. (Appendix A. 26.) It shall speak for itself; and, I hope, will not be presented in vain. There is no parallel to the Duke of Somerset's persecution of me; but this persecution is only an item in my account of worldly trial. You see where I now am, and may attribute all to my own fault. Be it so; I would scarcely exchange my mischances for any other man's prosperity; they have taught me so many lessons, and left me so light-hearted. I would not change situations either with the Duke or your Lordship; and, but for ill health, would have followed up my purpose of petitioning for your removal from office. Your denying me costs merely because of my saying that the Duchess of Somerset wore the breeches was unwarrantable. This woman once danced before my window in contempt of my sufferings; and who but a * * * * woman would have frightened my beloved wife from her home, as set forth in my petition? Where was the harm in telling the truth, or in using an expression which, though vulgar, was apposite? Besides, the continued torture of Chancery delays had threatened me with disease, which could be repelled only by breathing out every thought. Whatever has happened, or has been said, I trust your Lordship will do justice to my present application; and, with all due respect, I am your Lordship's obedient servant,

*The Right Hon.
the Earl of Eldon.*

ROBT. GOURLAY.

Extracted from the John Bull, July 11, 1824.

MR. ROBERT GOURLAY.

We agree with those who think that there is a species of moral obligation incumbent on all who are connected with the press, to support the cause of humanity. Variation of opinion on the subject, which solicits attention, should not certainly be overlooked; but it ought not to be made the stalking-horse of deserting the question altogether. When we feel strongly, we shall express ourselves warmly; and, although our contemporaries may have turned their backs on the subject of our patronage, that shall only be an additional reason for extending it more largely. In the case of Mr. Gourlay, all our sympathy is necessary. With one or two exceptions, the press has withdrawn its agency from him, and this unfortunate person, who can look back to days of comfort and prosperity, and to a life spent in usefulness, is now left, cheerless and desolate, to struggle with the evils of poverty and calumny. He is, in the first place, the victim of a Noble Duke, by whom, if his statements can be credited, he was inveigled from his native place, and ultimately deserted, after Mr. Gourlay's exertions had ameliorated his property to a very great extent. For this, compensation has been partly awarded in Chancery; but the expenses of the suit, and still more the *doubts* of the learned judge have woefully abridged the amount of success. The competition with a rich and irritated nobleman was, also, severely felt; and every means were tried to make the suit run the gauntlet of the Appeal Court. In the next place, he has to complain of the desertion of his public friends. There are characters in the country who wish to mount into notoriety on the battalion of another's wrongs. Mr. Gourlay had complaints to prefer of a public nature: he was at first taken by the hand; but, his generous patrons not finding that a high clamour could be raised upon them, he was again beat to the ground.

The last and deepest subject of complaint is his present confinement. We will not stand up to extenuate the assault which was made on Mr. Brougham: of that there can only be *one* opinion; but *many* opinions may be formed on the motives which dictated it, and on the consequences which flowed from it. He had certainly meditated an attack on some Hon. Member, but we rather think that he had more inclination to expose the hollow pretences by which he had been chicaned by some members in the House, than to display hostility towards a particular individual. But, because he did so, was he to be declared insane? Was the brother of a Right Hon. Secretary, who used the whip much more sharply than Mr. Gourlay, insane when he committed the act? Were Mr. O'Callaghan's faculties disordered? Was a Noble Duke *deranged* when he whipped an illustrious Countess? Whipping is of every-day occurrence. Go to Hyde-Park in the forenoon, and to the box-lobby in the evening, and you will see the "galled jades wince" under similar chastisement. It may be well to bring such persons under the restraint of law, or to give them a month's confinement, in order to cool their hot stomachs. Mr. Gourlay, however, has experienced greater severity. He has been branded as a lunatic—adjudged, without, hesitation to be a

dangerous character, and immured *ad libitum* within the purlieus of Cold-Bath-Fields. It would have been but common justice in the physicians who examined him to have given a less positive judgement; for there are shades and degrees of insanity which are discovered in every human being. The sober citizen who is nailed to his desk "from morning's light till noon," has occasional touches of it; and the most illustrious characters who award justice and judgement in the country, can conceive its agony. A sentence of settled lunacy can only be given by a verdict of a jury, drawn from the evidence of unquestionable witnesses. Now, Mr. Gourlay had given proofs in the Chancery Court of skilful pleading; he had been plying his quill rapidly; and, according to the report of his friends at Bow-street, he had actually meditated the scheme, on which account he suffered, months before it was brought to bear. Such evidence ought, in our opinion, to have stayed, for a time, the *mittimus* of the magistrate. The precipitate and indecent haste with which he was captured, examined, and committed, prevented his friends from acting in his behalf; and, ere he could collect his proofs of *sana mens*, he was published abroad as infected with a disease which, to use an elegant phrase of Lord Gifford, "cast the very lowest of *human subjects* into obloquy and neglect." We sincerely trust that the public will compassionate the case of Mr. Gourlay; and, if they cannot undo what has been so cruelly done, that they will at least cheer the gloom of his prison-house by a benevolent contribution in his favour.

Extracted from the Sunday Times, July 11, 1824.

No. 21.

*House of Correction, Cold-Bath-Fields.
July 13th, 1824.*

SIR,

Understanding from the Governor of this House that he cannot regularly lay before you a letter which I addressed to him yesterday for that purpose, I shall now annex a copy of it, requesting you to read this and it to the Grand Jury, and earnestly entreating that the whole premises may be seriously considered, as soon as convenient.

I have the honour to be,

Sir,

Your obedient servant,

ROBERT GOURLAY.

*To the Chairman of the Grand Jury
of the Middlesex Sessions.*

House of Correction, July 12th, 1824.

SIR,

I often write letters, not for the purpose of informing the person to whom they are addressed, but for registering my thoughts, purposes and principles, as well as to make him a witness of them. In this way, I have written to you twice, and in the same way I write now, with an additional object. On Saturday you called on me to ask if I had sent to the newspapers any complaint of the prison. I had sent out an ar-

ticle, but not of this kind. You are welcome to see it, as you have seen one despatched since. You advised me to employ a solicitor, and to procure bail, as the Grand Jury might sit all this week, and then let my case stand over till next sessions. Now, sir, this is a very important matter, and induces me to be quite determined as to my conduct. I will not now employ a solicitor; neither will I trouble myself further about bail. The moment that I got to the Public Office, Bow-street, on the day of my arrest, I wrote for friends to come to me, and some came instantly to give evidence and bail; but Mr. Halls refused bail that night, and would not say on what terms he would grant it the next day. I will not play fast and loose with any body, and, therefore, made no further attempt to be bailed till after reading the statute, under colour of which I am imprisoned, last Thursday. Seeing that this clearly admitted of bail, I got friends together for consultation on the subject. My own resolution, at first, was to make no attempt; but, it being suggested that it would be in my favour, in the event of a trial, to go out and show myself, and make arrangements, I wrote to the sitting magistrates here, who referred me to the Committee at Bow-street. I then wrote to Mr. Halls, who said that my friends should come to him next day (Friday) at Bow-street, and there he told them no bail could be granted till the doctors reported it safe for me to be bailed. He said, if I chose, he would order the doctors to visit me; but that it was scarcely worth while, as the sessions commenced on Monday; and, probably, I would be discharged, for want of a prosecutor, on Tuesday. Mr. Halls promised that I should be accommodated here as a gentleman; but, before this promise, he had not behaved like one, and, therefore, I put no trust in his promise afterwards. It appeared that he acted under orders to send me, at all events, to this place, as well as to throw difficulties in the way of my liberation; and his refusal to show the warrant of arrest, which lay on the table, was further proof that he was capable of acting illiberally. From reflections on these occurrences, I made no objection to sleep in the Infirmary, when you took me there. I not only think it vain to struggle with the arbitrary power of government, but wise to submit cheerfully when difficulties cannot be surmounted. I attached no blame to you. Up to this day, I have pleasure in acknowledging your civilities, and saying that the general treatment of prisoners seems judicious and mild. One thing only is objectionable, but that, of course, must be controlled by the magistrates, not the Governor; I mean the confinement of certain criminals with men. It is my opinion, that certain crimes are so disgusting that men, however guilty otherwise, should not be subjected even to the sight of the perpetrators of such. In the Infirmary I was not unhappy because of a poor maniac being an inmate; but, after I knew something else, the very place was loathsome; and, in my present room, even the neighbourhood of the same thing is sickening. Were magistrates to think of it, I doubt not but they would arrange it for the better—arrange so that no eye should witness what ought, if possible, not even to be thought of for a moment. By a simple, and not very costly alteration, the gentlemen who occupy the state apartments here could be protected from the sight of a dozen criminals

who daily pace their rounds in the adjoining passage. This I should be glad to point out to you, with a magistrate, at any time.

May I now request of you to get this letter laid before the Grand Jury, which assembles to day, as soon as possible, that it may be known that I expect my case to be taken into consideration this session, so that I may either be tried immediately or have the benefit of gaol delivery, because of there being no prosecutor. I protest not only against the opinion of the doctors, upon which I am confined, but against the further insult of being subjected to their scrutiny. I will not go to the expense of a farthing here, upon the principle that it would be quite absurd for me to hold out by opposing my monied means to those of the government. The liberty of a British subject should cost nothing; and I shall not leave prison before that point is given up, by any submission of mine. I shall not suffer it to be truly alleged, from any precedent in my case, that a poor man must give in, and be dependent either on the charity of friends or the aid of a solicitor. I have lived on the gaol provision of food; and, in testimony of preparing for the worst, shall, along with this, hand to you some clothes to be washed and mended, as I understand the custom and rules of the prison admit of this.

I am, &c.

To the Governor.

ROBERT GOURLAY.

Published in the Morning Herald, July 17, 1824.

No. 22.

TO THE EDITOR OF THE MORNING HERALD.

House of Correction, Cold-Bath-Fields, July 9, 1824.

SIR,

I have never attempted to give to the public any account of the extraordinary measures taken against me; and the columns of a newspaper, however liberal any Editor may be, would be insufficient for the purpose. This day, however, I am forced to say so much, and shall be glad if you and others will give it a place for a public hearing. The moment I was seated in Bow-street Office, after my arrest, in the Strand, I wrote to several friends; and some came to me immediately, to give evidence and bail. It was clear, however, on the examination, that the magistrate acted under higher authority, and that I was doomed, at all events, to come here. The magistrate said I might be bailed next day, if he and others were sufficiently satisfied, but would condescend on no particular terms. Determined not to fight fast and loose, I then let power have its swing; thought no more of bail; and resolved, for a time, to amuse myself with objects around me here. On Wednesday last, getting hold of the statute referred to in my commitment, I found that it admitted of bail. On Thursday, I applied to the visiting magistrates for advice: was referred to the Committee in Bow-street, and, this day, some of my friends attended there. There they were told that I could not be bailed unless Doctors Munro and Sir George Tuthill first visited

me, and reported that it was safe for me to go at large; that, if I chose, these doctors would be ordered to visit me; but that the sessions would sit on Monday, and that, on Tuesday, I should probably be liberated, for want of a prosecutor. While my friends were at Bow-street, I scrawled over a second letter to my daughters, as an introduction to a statement of occurrences, and shall here copy it, in order to let the public judge, while I am really detained in prison, contrary to the statute, as to my sanity; allowing me to say, before hand, that the impassioned style is adopted, not from any fervour, but as suiting an occasion when right is denied and feeling insulted.

ROBERT GOURLAY.

LIFE IN LONDON.

Having despatched a letter last week, giving assurance that I was perfectly well, in an interesting place, with many comforts, and little care;—a letter calculated to set you at ease, as to my situation here, I might not again have thought of writing for a month, had not a visiting magistrate offered me a frank.* The mere idea of communicating with my daughters is consolatory; and I now sit down to address you, though it is neither my intention nor my wish that you should see the whole of my letter: I neither desire to disturb your repose at present, nor to throw before you matter unsuitable to your tender years, though it may be well that such should be registered; and though, at some future period, you may read with advantage and interest all that I write. It is the proud superiority of man over other animals that he can record and make advantage of it: that from records he can be acquainted with what has passed, and, by them, hand down to posterity present experiences. It is thus that man, the weakest and most wretched of animals, when an infant and a savage, grows to maturity. It is thus that he has already made progress, and thus that we can entertain rational hope of becoming perfect.

My experiences at this moment are important, not only to me and my family, but to the public at large. In my fate every individual has a vital interest: for no one can tell how soon his own may be similar. With my fate in view, no individual can step over his threshold, to perform the most trivial act, and feel secure of liberty and reputation. When he least suspects harm; when he is doing a deed of duty and honour: when he is serving, not only himself, but his fellow men, he may be pounced upon by power, subjected to the scrutiny of doctors from Bedlam, and by them be undone. He may have been justly proud of his strength of mind: he may have honestly boasted that no progenitor of his was imbecile or mad: he may have safely sworn, that other men might join in bonds of relationship with his family, without the hazard of propagating fools and idiots; but, in a moment, his best securities may be gone; his worthiest boast may be annihilated;

* This first sentence was part of a letter actually despatched to my daughters that day in Dumfriesshire.

and he, with his children, be degraded for ever. Thank God, my beloved daughters, there is not in Britain a family less tainted with insanity than ours: thank God, there is not an individual who has stood such tests as myself, and yet retained reason, and fortitude, and temper. Yes; it is fortunate for me, and for you, and for all, that I, on whom the contemptible urchins of arbitrary power have fastened their nauseous grasp,—I, on whom they have long gazed with the eyes of a basilisk—I, who, for fifteen years, have been marked out, because of my principles, for destruction:—oh! it is happy for my family and my country that I can yet unloosen the hold—can flash back reproach on the guilty—can weather the storm of adversity, and ride triumphant on the frothy wave;—that I can sit here, in the House of Correction, correcting iniquity still,—that I can be flung among filth, and yet not be polluted,—that I can mess among monsters, and yet remain clean,—that I can have the watches of the night interrupted with the madman's moans, and yet be cool and collected—yet hold my judgement entire;—that I can pass the whole day among felons, and yet retain my integrity:—aye, even endure the world's dread laugh, and smile back, more in pity than in anger, on the failings of humanity:—that I can at once suffer and do good to my fellow men,—at once give assurance of sanity and make you, who have my dearest regards—you, who have nothing but soundness of mind to depend upon—you, my dear girls, confident of having by inheritance, the richest treasure which a family can possess—you free and secure, while the fellows who, for a *fee*, reported me of unsound mind, must fly into their own mad-houses from the world's reproach.

[To be continued.]

Sent to the Morning Herald, but not published.

No. 23.

LIFE IN LONDON.

(continued.)

Feeling being vented, I am now, seeing that this is not my cause alone, but the cause of the public, and of every individual, to record, in the order of time, and circumstantially, how I came here, and what have been my experiences within these walls.

Before the rising of Parliament, it appeared, from newspapers, that Sir Richard Birnie, the chief of Bow-street officers, had been watching several days, no doubt, by order of some person in power, afraid of my escaping by a motion in the House, which had been anticipated by the *Courier*. How it would have been, had I slunk off, as suggested, by a back door, and a boat; or taken the advice of a member of parliament, and informed the Speaker, by letter, that I was willing to go away under the care of a friend, it is impossible exactly to determine. Of this, however, my dear girls may always be sure, that I never shall retreat like a coward, or sit down to write a verdict of lunacy against myself and my family. Power may prevail against me: I may be driven abroad by persecution; be banished

back to England by blackguardism, and, for a piccadillo, be twice arrested, and twice imprisoned ; but, while able, shall protest against oppression, and laugh at the blackguards who resort to it. Had I retreated by water, the hue and cry, at all events, would have been raised ; and, had I put myself under the protection of a friend, the absurd proceedings of the *Collective* and the doctors would have been ratified to my hurt. They, instead of me, would have triumphed, and the consequences might, indeed, have been serious. It might afterwards have been pleaded in courts of law, even by my *friends*, that I was unfit to conduct my private affairs, from unsoundness of mind ; and that my *friends* should enjoy power, by sending me to Bedlam.

While the King was reading his speech in the House of Lords, I observed a person standing outside of my room door. Suspecting him to be a police-officer, I showed myself, that he might know my person sufficiently, and, being thus satisfied, he retired. When the signal gun announced that Parliament was prorogued, Mr. Bellamy told the messengers, who had charge of me, that their charge was at an end, and that I was free to go away. He had apprised me, the first night of my confinement, that there would be £8 or £10 to pay, as fees for breach of privilege ; and that his charges for entertainment were high ; but of these matters I then said nothing. After the question of privilege was waved, and the doctors had formally visited me, as a person on trial, I declared against paying either fees or fare : indeed, I invited a friend to partake with me, as a necessary part of my state, and ordered a little wine, to drink the health of our *friends*, while the devil took the rest of our *relations*. I was confined two weeks to an hour ; never enjoyed, nor could wish to enjoy better entertainment ; was charged for nothing ; and only gave a crown on coming off, to a discreet, good-humoured servant maid, to purchase a ribband, in memory of the occasion.

You would observe, that the paper despatched to you from the House of Commons was gilt. I had any quantity, of the very best quality, furnished me, with ready-made pens by the dozen. Being deprived of my knife, which would have made a couple of these do my whole business, I had to dip the nibs of dozens in ink, before a good one was found ; but, in Government offices, you cannot please those about you better than by being lavish of what the public pays for. You would observe, too, that when I spoke of blockheads, this was not so much in contempt as fun. It is a term so befitting St. Stephens and the *Collective* that no one can be angry with it : and never was any thing so ridiculous as their attempt to prove me insane, — me, who have seen and suffered more than some scores of them.

I should have gone to Clifton-street from the far-famed chapel, over Westminster-bridge ; but, knowing that the fulness of time was not yet come for home, and having seen the police-officer turn in behind me, as I came down stairs, I told my friend, that I should go by way of the Strand, and thus be longer out of keeping, and, near the point of turning from the Strand to Bow-street, the officer, as expected, came along-side, slipped his arm under mine, said I was his prisoner, and on we walked to the public office without halting a

moment. I did not even ask for a sight of his warrant for arrest, thinking it could be read with greater ease within doors. Being seated in a little room adjoining the Court, I immediately wrote to three friends in the neighbourhood, acquainting them with my situation. One was from home, another declined assistance, and a third came like lightning bringing with him two more for evidence and bail. It is worth something to be thus circumstanced, to try friends, and know the world aright. It is worth a great deal, fully to appreciate the force and feeling of the text, "I was in prison and ye visited me." Nothing is more heart-sinking than to be deserted in prison; nothing more delightful and cheering than to be there visited by friends; for these are friends indeed! I have had experience, bitter and sweet, on both sides of the Atlantic; and it will be ever the same. It is by such tests that I believe in the divinity of Scripture truths more than by miracles.

At the examination, it was evident that the magistrate acted under instructions, and that my doom was fixed beforehand. When I put the important question to Sir George Tuthill, whether he believed it dangerous for me to be allowed to go abroad, the magistrate cut short the inquiry; said it was his duty to commit me, and that I must, at any rate, be confined for that night. He further refused to let me see the warrant of arrest, though it lay on the table; and would not tell who was the prosecutor. He said he would give orders for my being treated like a gentleman in confinement, and that, next day, I might be liberated, if he and others thought my bail sufficient.

None of the newspaper reports of the examination were perfectly correct; yet I cannot help noticing how very important it is for the public to have these, even with their faults. Arbitrary power would speedily lord it over us but for exposure: nor can we have any chance equal to that which arises from a competition among people whose bread depends upon public favour; and who, from their liberal education, must generally be desirous of doing their duty faithfully. I shall copy from the *Morning Chronicle* and *Morning Herald* a question and answer, for illustration. The *Chronicle* reported thus; "Do you know of my using any incoherent expressions?"—"Yes, you did make use of many incoherent expressions."—In the *Herald* it stood thus; "Was there any thing incoherent in my manner?"—Witness, "Certainly not." The question is nearly correct in the *Chronicle*; but the answer is quite the reverse of truth. In the *Herald*, the word *manner* is substituted for the word *language*; or, at least, by omitting this, which distorts or weakens the question; but the answer is correct. The answer of the *Chronicle* might be very injurious to me, were a single individual to be my judge, and solely with that evidence: but the question could not be seriously agitated before the public without recurrence to more newspaper reports than one; and the error of the *Chronicle* would be speedily corrected by perusing the *Herald*.

About eleven o'clock at night (towards twelve), I was brought to this place in a coach, with two police-officers. Mr. Vickery, the Governor, said it was out of his power to make me so comfortable as he could wish that night; but, next day, I might have

a room, with only a single person in company. He searched my pockets; took my razor and money into his keeping; (my little ivory-headed whip and penknife having been delivered up, a second time, at Bow-street); and then conducted me through a long narrow passage, and up a lofty staircase, to the Infirmary, where one of eight stump-bedsteads was unoccupied, and ready for me. He cautioned me repeatedly to take care of my watch, and said I had better give it into his keeping; as, in that place, he could ensure nothing. Being an old traveller, I thought I could keep possession for myself; and the recorder of time is always so much for company. Neither the scene nor the circumstances gave me the slightest uneasiness. The bed-clothes were clean; a lamp cast its glimmering light over the ghastly abode; and down I lay, musing on the course of events—on my sudden transition from State-apartments, in the House of Commons, to the Infirmary of the House of Correction.

What, my dear girls, could sustain my spirits, thus dealt with, and in such a situation, but a perfect conviction that I have acted right?—and, let the world think as it may, in that conviction, I shall remain. Next day, I found myself much better off than first appearances indicated; and I resolved to have a week in the Infirmary, before shifting to better quarters, where I now am. As to bail, seeing myself in the gripe of power, which could play fast and loose, I gave up all thoughts of it for the time; and, indeed, enjoyed the novelties around me exceedingly. The Governor, from the beginning, was civil, and has become so, more and more; while every other man with whom I have to do is studious to please and oblige me. I am treated here, besides, with unusual indulgencies. Be you, then, at ease, and I shall go on to amuse myself. Give kisses for me to Helen and Catharine; and remember me affectionately to Oliver when you write to him. I told you that I wished him to be a civil engineer; that, some day or other, he may throw an iron bridge over Niagara river, just below where poor Nichol was killed. I wish to set before my son-great and good objects for his ambition; and, both physically and morally, facilitating a free and friendly intercourse between Canada and the United States would be a noble work. Had I been by profession a chimney-sweeper, I would have elevated my boy's ideas by giving him a fancy for cleaning the vents of Vesuvius and Etna.

ROBERT GOURLAY.

Misses Jean and Jessey Gourlay.

Published in the Morning Herald, July 20, 1824.

moment. I did not even ask for a sight of thinking it could be read with great ease in a little room adjoining the C. Three friends in the neighbourhood, came like lightning bringing with them a mail. It is worth something to be able to know the world aright. It is to create the force and feeling of the time. Nothing is more heart-satisfying than more delightful and sweeter friends; for these are friends in and sweet, on both sides of the divide. It is by such tests that I believe more than by miracles.

At the examination, it was instructions, and that my the important question to dangerous for me to be a the inquiry; said it was any rate, be confined see the warrant of arrest tell who was the prosecutor being treated like a might be liberated.

None of the new correct; yet I can public to have the speedily lord justice chance equal whose bread rural education fully. I shall Herald and reported the questions?"

—In the my manner correct In the general question my judgment

ground of insanity, should remain in
and sufficient bail.

Gourlay, have the power to accept bail,

apply to put in bail. I now stand here
there is any charge against me, or any pro-

it if no one appears to prefer a charge against
to your discharge from custody on putting in
Your committal I consider to be in the nature
erefore, you are not entitled to your discharge
ty, as a matter of course. You are committed
of parliament, the provisions of which must be
must put in bail.

Chairman, I beg leave, respectfully, to differ with
though I must submit to what is the decision of
nowledge. I have remained in confinement a very
an accuser, and I do not see how bail can now be
honour, Mr. Chairman, is deeply concerned, and
to have a public trial, that I may set the matter at
baseness and falsehood of the imputations which
on me. I have been most cruelly, and, I conceive,
the warrant upon which I was committed I believe
instrument.

Bolland, what course do you intend to take in this

I have but one straight-forward course, and that is
discharge of that gentleman, unless he puts in good

do not know what course to recommend; but I would
erlay to go before a judge, and apply for his discharge,
of the illegality of the warrant on which he was com-
I am sure, if the warrant be illegal, the judge would
him at liberty, which I have not the power to do without
satisfactory bail.

lay. I should, in my person, be establishing a most dan-
edent, if I were, merely for the sake of my own personal
put in bail now. I would rather remain in prison than con-
a party to such a gross violation of the liberty of the subject.
no charge against me—that can be proved, and why should I
ned in custody?

man. Under the act of parliament upon which you were
ted, I do not think I can discharge you without your giving

Gourlay. I have already most cruelly suffered, and I am ready
ffer more, rather than the rights of the public should be compro-
d through me. I should, as a matter of curiosity merely, be glad
now what bail is required by those who oppose my discharge out of
ody.

Chairman. I should not call upon you for heavy bail; but as you
sk only, as you say, for the gratification of mere curiosity, what bail

MIDDLESEX SESSIONS, JULY 20.

(Before Francis Const, Esq.)

MR. ROBERT GOURLAY.

At ten o'clock, this morning, the Chairman entered the Court; and Mr. Maule, the Solicitor of the Treasury, stood upon the bench and held a private conversation with him, which lasted for ten minutes or a quarter of an hour. We understand the subject of their conversation was the very peculiar situation of Mr. Gourlay, who stands committed upon the warrant of a justice without any public prosecutor; a circumstance almost, if not entirely, unprecedented in the history of committals by police magistrates. Just as the conversation terminated, Mr. Gourlay entered the Court, in the custody of Vickery, the Governor of the House of Correction. Mr. Gourlay, who appeared in good health, walked up to the bench, and handed to the Chairman a written paper, which that gentleman read privately. It was a document of very considerable length, and we understood that it contained a succinct, narrative of the circumstances which had taken place, as affecting Mr. Gourlay, from the time of his assaulting Mr. Brougham; his examination at Bow-street; his committal by Mr. Halls, the magistrate; and his arrival at the House of Correction; and it concluded by calling upon the Court to dismiss him from his confinement, which he pronounced to be unjust and illegal.

Chairman. This paper, Mr. Gourlay, is like a former one which was presented to me, of no use whatever. This Court cannot possibly have cognizance of what you allege has taken place. You were committed to prison under the authority of a magistrate's warrant, and the Court cannot do any thing to relieve you, unless you make an application for your discharge, on the ground that no person appears here to support any charge against you.

Mr. Bolland (to the Chairman). Sir, I beg leave to state to the Court that, if Mr. Gourlay makes an application to be discharged, I am prepared to oppose it.

Chairman. I did not know that counsel was engaged.

Mr. Gourlay (to Mr. Bolland). Pray, sir, will you be so kind as to inform me for whom you appear to oppose my discharge?

Mr. Bolland. I appear on the part of the crown.

Mr. Gourlay. The crown! the Secretary of State, I suppose, you mean, sir. Is it not so?

Mr. Bolland. I received my brief from Mr. Maule, the solicitor to the Treasury; and it is my duty to see that the provisions of the Act of 39 and 40 George III. c. 94, sec. 3, are complied with; and it may be well that the clause in the act I have referred to should be now read.

Mr. Richards, clerk to the arraigns, then read the clause, which stated that persons who had been committed upon the warrant of a

justice of the peace, on the ground of insanity, should remain in custody until they put in good and sufficient bail.

Chairman. The Court, Mr. Gourlay, have the power to accept bail, if such is your application.

Mr. Gourlay. I do not apply to put in bail. I now stand here ready to take my trial, if there is any charge against me, or any prosecutor.

Chairman. I tell you that if no one appears to prefer a charge against you, that you are entitled to your discharge from custody on putting in good and sufficient bail. Your committal I consider to be in the nature of an execution; and therefore, you are not entitled to your discharge on a general gaol-delivery, as a matter of course. You are committed under a particular act of parliament, the provisions of which must be complied with, and you must put in bail.

Mr. Gourlay. Mr. Chairman, I beg leave, respectfully, to differ with you in that opinion; though I must submit to what is the decision of your superior legal knowledge. I have remained in confinement a very long period, without an accuser, and I do not see how bail can now be required of me. My honour, Mr. Chairman, is deeply concerned, and I am most anxious to have a public trial, that I may set the matter at rest, and show the baseness and falsehood of the imputations which have been cast upon me. I have been most cruelly, and, I conceive, illegally treated, as the warrant upon which I was committed I believe to be an illegal instrument.

Chairman. Mr. Bolland, what course do you intend to take in this matter?

Mr. Bolland. I have but one straight-forward course, and that is to oppose the discharge of that gentleman, unless he puts in good bail.

Chairman. I do not know what course to recommend; but I would advise Mr. Gourlay to go before a judge, and apply for his discharge, on the ground of the illegality of the warrant on which he was committed; and, I am sure, if the warrant be illegal, the judge would instantly set him at liberty, which I have not the power to do without his giving satisfactory bail.

Mr. Gourlay. I should, in my person, be establishing a most dangerous precedent, if I were, merely for the sake of my own personal liberty, to put in bail now. I would rather remain in prison than consent to be a party to such a gross violation of the liberty of the subject. There is no charge against me—that can be proved, and why should I be detained in custody?

Chairman. Under the act of parliament upon which you were committed, I do not think I can discharge you without your giving bail.

Mr. Gourlay. I have already most cruelly suffered, and I am ready to suffer more, rather than the rights of the public should be compromised through me. I should, as a matter of curiosity merely, be glad to know what bail is required by those who oppose my discharge out of custody.

Chairman. I should not call upon you for heavy bail; but as you ask only, as you say, for the gratification of mere curiosity, what bail

would be accepted by the Court, I do not feel disposed to gratify your curiosity by mentioning any particular sum. It will be quite time enough to state the sum when your sureties are in attendance.

Mr. C. Phillips conversed with *Mr. Gourlay*, and strongly recommended him to put in bail, and obtain his liberty. He told him it was for the sake of his family and friends that he advised him to do so.

Mr. Gourlay thanked *Mr. Phillips* for his kind advice and said, "no, sir, my mind is made up on the subject: I cannot do an act that may be conceived by any persons to be an admission of the truth of the impudent insinuations which have been made as to the state of my mind. I do not like to be considered an insane man. I will, however, consider the course I ought to adopt. All I wish is that I may be brought to an open and fair trial; and I would cheerfully rest upon its issue. I wish to know, addressing himself to *Mr. Bolland*, if the Secretary of State has any intention of becoming my prosecutor?"

Mr. Bolland. My instructions are contained in my brief: I only attend to see that the provisions of the act of parliament are complied with.

Chairman. You are only detained in custody till you put in bail. I shall not object to take moderate bail, if you offer it. You are proceeded against upon a statute, and the Court is bound to act according to its enactments.

Mr. Gourlay (very warmly). I only want a fair trial: give me a fair trial (in great agitation). I differ with you all in opinion; I differ with you entirely: I will not yield to such terms: I am ready to go back to prison rather than compromise myself.

Chairman. I have nothing whatever to do with it: it is not in my power to interfere; I repeat again that, as you were committed under a particular statute, you must comply with the terms of it before you can be set at liberty. I am ready to accept your bail, and that is all the Court has the power of doing for you.

Mr. Gourlay. I request that the act of parliament may be shown to me. (The act was handed to him, and he read it, and declared that, in his opinion, not one of the clauses applied to him).

Mr. Curwood, who was in the court, humanely observed to *Mr. Gourlay*, that a magistrate ought not, upon the application of any persons whatsoever, to commit any individual to prison under that statute, unless the insanity of the person was proved before him beyond all doubt; and he strongly advised *Mr. Gourlay* to apply to a judge for a *habeas corpus*, to bring him up to be examined; and he felt confident the judge would set him at liberty.

Mr. Gourlay. If this act is enforced against me, no man's liberty is safe for a moment; and, if poor, he has no means of obtaining redress for any outrage that may be inflicted upon him. A justice of the peace has the power to commit any individual he pleases; and to make insanity his excuse for it. It is a power the most monstrous I ever heard of, and I will not submit to it.

Chairman. As you have asked what bail the Court will require, I deem it but fair to acquaint you, the Court will be satisfied with yourself in the sum of £200, and two sureties in £100 each. If you have friends who will enter into that security, you may take your

discharge instantly; or, as this is the last day of the Session, you may take time to consider, and make the application to put in your bail on the adjournment day, which is next week.

Mr. Gourlay. It is not at all probable I shall ask the favour of any one to bail me. I am determined to weather it out, whatever may be the issue.

Chairman. I can do no more for you.

Mr. Gourlay then bowed to the Court, and returned, in the custody of the officer, to the House of Correction.

Extracted from the Morning Chronicle, July 21, 1824.

No. 25.

The next piece of—what we hardly know—oppression, or cruelty, which has been displayed is the case of Mr. Gourlay. Mr. Gourlay, at the suit of Government, has been committed to Cold-Bath-Fields' prison *for being mad*, which he is *not*. No man ever said Mr. Gourlay was mad till now: we have always opposed him while he was at liberty, because we dislike his political principles, and had enough evidence, in his conduct in Canada, to pronounce him a troublesome person. At that time, nobody said he was mad—the opposition papers praised him to the skies; he was the theme for their essays—the burden of their songs; but now, not one of these worthies espouses his cause—not one of them utters a complaint at his present treatment.

Mr. Gourlay has been sentenced to madness by Dr. Munro and Dr. Tuthill, and, therefore, he is to be confined in Cold-Bath-Fields' prison, until he comes to his senses again, or *can find bail*; and this we find is law, and that the Government can confine any man alleged to be mad in a similar manner—a fact of which we were certainly not previously aware; but what is the real meaning of the thing? Mr. Gourlay horsewhipped Mr. Brougham. In order to make the thing easy and favourable to that honourable and learned gentleman, the opposition consent to abandon poor Gourlay to his fate; and, in order to show a spirit of liberality and conciliation, the Government, on the other hand, insist upon their right to incarcerate him.

Mr. Gourlay has forwarded to us a memorial, addressed to the magistrates, full of power and truth, but containing too much irrelevant matter, and occupying too much space to be inserted here. We ask, however, in his words, "*Why should he be twice punished for the same offence?*" The House of Commons, as it became its dignity, inflicted a punishment, not for horsewhipping Mr. Brougham, but for creating a disturbance in the precincts of their Honourable House: while in confinement there, Mr. Gourlay was visited by doctors from Bedlam, to ascertain whether he was mad, which no human being before ever had said he was. They report that he is mad, and hints are given to him that he may walk out whenever he pleases. These he very properly rejects, and stays in custody as long as the power which committed him exists. He then is necessarily and legally discharged from confinement, and is walking quietly along the Strand, when he is again apprehended, and sent to Cold-Bath-Fields *for an assault*. The honourable and learned gentleman, who must be the prosecutor, we suppose,

does not appear, and then, instead of being discharged, the Government send their solicitor to enforce his further imprisonment, because *he is declared by two doctors to be mad.*

We suppose it is constitutional; but if Mr. MAULE were to visit the numerous assemblies in London, during this hot weather, and exert the power delegated to him of committing to the House of Correction all such ladies and gentlemen as were accounted mad, and were unable to disprove the fact of being so,

" 'Twould thin the town,
" Such numbers to send
" To Cold-Bath-Fields."

This would be *mauling* the liberty of the subject indeed.

Extracted from John Bull, July 25, 1824.

No. 26.

House of Correction, Cold-Bath-Fields, July 23, 1824.

MY DEAR DAUGHTERS,

The blockheads have turned out more blackguard than was expected; but, with principle and patience, we shall beat them certainly. Yes; certainly and soundly. All the world over, honesty was, and ever will be, the best policy. Besides, some nineteen months ago, a smuggler advised me to "*do nothing in a hurry*:" and, from all experience, I would rather follow the advice of a *smuggler*; even though an *earl*, than a *lawyer*, however celebrated.

Yesterday, our Governor called upon me, at half-past nine, to say that I should be ready to go with him before the magistrates in session, at Clerkenwell, by ten o'clock: that the doctors were to be there; and that we should not be behind the doctors. He, and others, informed me that Mr. Const, Chairman of the Sessions, was at once a lawyer and a gentleman—a rare conjunction, supposing that a gentleman should be honest; which, my dear girls, notwithstanding appearances, I am grieved to say, is not always the case. Mr. Const, in his conduct to me, fully verified what was said of him; and thence I infer he has retired from the bar; for, on my father's authority, (and he practised as a writer, after apprenticeship, more than a dozen years in Edinburgh,) to say nothing of my own dear-bought experience, I believe it to be impossible for any practitioner of law to be honest. "Evil into the mind of *lawyers* comes and goes so *unobserved* that they themselves, good souls! perceive it not." My father, being by nature as pure a spirit as ever walked on earth, betook himself to farming in the prime of life, and with good prospects, because he could not continue his law-business and be an honest man. For a similar reason, I *guess*, he kept me back from being a writer to the signet, after I had a *smack* of Scotch law from the *lips* of Professor Hume, in 1797.

The Morning Chronicle has so faithfully reported proceedings before the worshipful bench that I have nothing to correct, and but little to add. A few more reports of the same kind will make John Bull rub his eyes, and look more keenly into the statute-book than he has hitherto done,—honest, conceited John! who, from his cradle, has bawled about

liberty, and thought all was safe when the *habeas corpus* act was not suspended! After being twice tried and honourably acquitted from false charges, in Upper Canada, I was flung into gaol, under colour of an alien law, by two legislative councillors, one of them our right trusty cousin and a lawyer. After more than a month's confinement, I travelled ninety miles, through the snow, to be liberated, in my right of *habeas corpus*; but back was I remanded, by the chief justice, to gaol, there to remain seven months longer; and, at last, after being stifled, was flung out of the Province, (where I had, and still have, landed property of my own free purchase,) like a pot of spoiled jelly. Three years ago, I reviewed the statute-book of Upper Canada, and fully appreciated the worth of written law, as now got up by *learned friends*, at home and abroad. Last year, I turned over the Statutes at large, from the reign of Edward III. to that of George IV. read every enactment concerning the poor, vagrants, and so forth; extracted the main part of the poor laws, Scotch as well as English, and made up my mind that, from the Statute of Labourers downwards, the whole was a matchless and monstrous compound of rascality and folly; clearly proving that the devil was in the lawyers who made it; that the poor had not a single friend at his court; and that John Bull was the greatest of *gowks*. It is curious that I should have been twice caught in the pit-falls of statute law; but never mind, my dear *lassies*, all is for the best, and will turn out so if we stick by principle and have patience. In Canada, I could have had the gaol pulled down for my deliverance: several parties made proposals for this, and among them a magistrate. No, said I, while there is a tile over my head, I shall wait for justice; and, notwithstanding the woful event, I regret nothing, having gained such valuable experience, and become assured as to the vast importance of having our whole code of law digested by honest men, without a single lawyer among them, to discard principle, jumble judgement, and confound common sense. Last winter, I stumbled on Mr. Jeremy Bentham's papers on codification: admired some of his notions: did myself the honour to wish him success; but, almost as hopeless of any thing being done as I am of again reading Greek and Latin, I exclaimed, in a scrap that has hung about me for 30 years, "*Rusticus expectat dum depluat amnis*," which does not mean that Mr. Bentham is rusticated; but something like this, that "procrastination is the thief of time;" and that Mr. Bentham, though a hater of lawyers, has, from being bred one, sucked in as much of the profession as to give him a taste for delay.

What Doctors Monro and Sir George Tuthill were at Clerkenwell for I cannot yet be sure; but, when the Crown has once pounced upon a victim—when the Solicitor for the Treasury and counsel are employed to attend to see that the statute of 39 and 40 George III. is duly executed, we cannot wonder that medical men should wait on, to carry off the insane to Bedlam, or seize the carcass for a skeleton, to be hung up as a scarecrow against *Friends to inquiry*, and all such as are "*given to change*," throughout the world.

My walk to and from Clerkenwell, with Mr. Vickery, and after three weeks' confinement was of itself pleasant; but the pleasantest thing of yesterday was my coming to know, certainly, that Mr. Peel was the person who most especially desired that I should be made over to the

custody of His Majesty, in terms of the 39 and 40 George III. You will remember that the last day I spent with you in Edinburgh, the 1st of May, I read to you and grandmamma, after dinner, a letter which I had scrolled over in the forenoon—a letter to the King (Appendix A, 15). When the King was in Edinburgh, I wrote to His Majesty from London; and my letter was presented by Mr. Peel (Appendix A, 8). In that letter, I concluded with praying that “the day might be late when confidence was misplaced in a Scotsman;” but Mr. Peel wrote to me that the King had referred my letter to the Colonial Department, and off I went, for consolation, to flint cracking. As His Majesty would not, while he himself stood upon Scottish ground, frankly, and at once grant my wishes, I had hope, when I wrote to him a second time, and from Scotland, that all would be readily granted. I wrote my second letter to the King in the house where my eldest daughter drew her first breath—I wrote in behalf of my honour; I wrote to get back to a country where I am still the owner of 866 acres of land; I wrote in the high hope of laying open, for an inheritance to the poor of England, that vast country, which extends from the St. Lawrence to the Pole; I wrote what I fondly imagined to be a good letter to be laid before His Majesty—respectful, dignified, frank, and perspicuous, having appended to it a map of British America, lined out for settlement, and a sketch of the village of Wily, with cottages as they should be. This letter was not despatched for ten days after it was written. It was read to many sensible people, who thought well of it; and I really expected, before the end of May, to be received into His Majesty’s confidence; nay, when I came up to London, and found that I had gained our cause in the House of Lords, I became sanguine; I thought that now, at last, our trials were over; I thought that I should now have the royal favour, and have a fair hearing as to my plans of *poor law reform, and emigration connected with it*:—that now my children and myself should have peace and prosperity—now, after fifteen years of persecution—now, after seven years of separation, we should be re-united and happy as in times past. My second letter was really laid before the King—at least so the secretary of Mr. Peel informed me; but Mr. Peel himself said, in the House of Commons, on the 11th of June, that I had written a letter which no rational man would write. Mr. Peel, to whom I had always been respectful—Mr. Peel, of whom I had a good opinion—Mr. Peel, who was once called by me “the best of the ministry.”—Oh! there is something mysterious in it—something that wants air; so let me pull up my window and look for a while over the charming prospect, which I and the gentlemen who occupy the state-apartments here may enjoy from the rising of the sun till his going down. It is really a delightful prospect and worthy of description. Would I had the descriptive powers of Caliban Cobbett to do it justice! I shall try, poor as mine are, for nothing can be done without trial; and that the picturesque is to be found in London is a truth which should be known. Let me look well to it; but first close this epistle, and bid God bless all my dear children.

ROBT. GOURLAY.

Published in the Morning Herald, July 26, 1824.

No. 27.

LIFE IN LONDON.

*House of Correction, Cold-Bath-Fields,
London, July 27, 1824.*

When I last wrote to my four dear girls, under cover of a frank, each was addressed separately; now, you must be altogether in a bunch with our friends in Dumfriesshire; and in a bunch you shall be addressed. Jeanie tells me, in her letter of the 2d inst. that she has been "already at the top of most of the hills round;" and Jessey speaks of the "many fine views." This gives double assurance that they are growing up daughters of "own dear papa," as each in turn has called me. Where're I roam, the tops of towers and hills have been my delight: from thence we can see things all at once, and form just conceptions: from thence we have wide and commanding prospects; and, from such prospects, our every idea in life becomes liberal and enlarged.

The first autumn after I studied in Edinburgh, your grandfather, in his goodness, sent me to the Highlands a grouse-shooting, with leave to sport on the Duke of Athol's estate, license from the King, horse, dog and gun. Truly, the grouse were right costly; at least, ten guineas the brace, but withal not ruinous, for one brace and a half only were slain, after two weeks' sharp shooting; which, by the way, should be some heartening to those who would *meet* me now-a-days. On a second campaign to the Highlands it was still worse, for I then bagged only a brace. The truth is, I used to scamper to the mountain-tops, gaze on the giant shadows which fleeted along their ample-sides and brushed the blooming heather, more to the heroic tune of Ossian than with bloody intent. I dare say, you can see Skiddaw, in Cumberland, from some of your Dumfriesshire-hills. It rises 3,300 feet above the level of the sea; and, just four-and-twenty years ago, I spent a night on its summit, all alone, to have the pleasure of seeing from thence the sun set and rise again. My wishes were gratified, truly and literally, in a *high* stile; while the full moon made it almost as light as day between times. It was quite a fairy scene, with the finest fairy light, and I yet see in imagination Derwent-water and another lake shining like mirrors far beneath me, with big bulging clouds floating half-way down, and beautifully illumined with Luna's rays. About one o'clock of the morning, I invoked witches, but none came, though called upon; if not in the shape of curlews, which now and then approached me with a screech, and this has left behind no dread of witches.

I wish you were here, Oliver and all, to sit with me in the balcony which is close by my room-door, and from which we could enjoy the charming picturesque scene spoken of in my last to Jeanie and Jessey. The balcony admits only of four gentlemen sitting at ease in it; but I and my five youngers could pack together famously. There are four state-rooms here, two above two, and each pair has a balcony. I lodge in one of the higher rooms, the best of the four; and it is

really enchanting to pop out, now and then, to refresh in the balcony. The rooms are 14 feet by 8½ and 10½, from floor to ceiling: each has two large windows, looking to the north-west, so far as Hampstead and Highgate, with a fire-place in the corner, behind the door when it is open; and, above the fire-place, are two shelves for my crockery, &c. Three of the rooms accommodate one person each; and by act of parliament, they say, no more should be put into them. I, however, share with a fellow-prisoner; but, as he is sensible and obliging, have no reason to complain. He has the worst of it; for, as I generally get up soon after four o'clock in the morning, his dreams are, of course, disturbed, even though I make as little noise as possible. In so small a room, with two beds, there cannot be much spare space, but there is enough for a table, two chairs, bason-stand, and trunk. Then, what want we more, my dear girls?

My *chum* was incarcerated, eighteen months ago, for selling what are called blasphemous publications; but you must not, for that, think the worse of him, seeing that Christ himself was accused of blasphemy: it is a scandal which power, leagued with cowardice and hypocrisy, has ever resorted to; and, it is to be hoped, that our government will soon, even from good policy, take no further notice of it. It is necessary only to travel through the United States of America to be assured that neither religion nor government can suffer from anything of the kind: there, no prosecution is ever instituted against blasphemy or libel on government: there, the government remains steadfast, regardless of libel: there, religion is gaining ground, even with too rapid strides; and there, manners are becoming refined, to the shame and uprooting of blasphemy. Carlisle never could have made *salt to his kail* by the sale of blasphemous publications but for the silly and vindictive prosecutions of him and his shopmen. My *chum*, who was one of them, seems sensible of this; and, for my part, I am at a loss to decide between Carlisle and his enemies: I wish him to gain the battle against persecution; but dislike flying in the face of religious feeling of any kind; and would wish to see men come round gradually from one opinion to another on the most important of all subjects. I wish the pot to boil, but not to boil over, and put out the fire, so as to stink us out of the house with its frothy irruptions and its dirt.

Mr. Tunbridge, for that is the name of my fellow-prisoner, was hired in as a warehousman to Mr. Carlisle, and did not expect to be made answerable for his employer's transactions in business. On trial, he behaved manfully: would not flinch from his principles; and, for that reason, was sentenced to two years' confinement, with a fine of £100 to boot; while others, since convicted, on the self-same charge, had only six months' imprisonment, and are now at large. There is not a person in this house that does not speak well of Mr. Tunbridge; but, so it is, that he is thus shut up from doing good to himself and his fellow men, in the prime of life, and with a fine to pay which he cannot possibly discharge by his own best efforts. What a wretched thing is persecution! how unfeeling are men in power! and how regardless is the multitude! persecution invariably proceeds in the inverse ratio—more and more cruel, as it is more and

more unjust. Ignorance is the grand pillar which supports it; and, verily, it has its reward. There are these poor benighted creatures of Upper Canada, whose own Representatives, freely chosen, extinguished the right of the people in that fine country to hold conventions from mere dread of my influence—me, who had the purest views, and the sincerest wishes for their welfare. While I was in Connecticut, in 1818, the constitution of that state was new-modelled by a convention, without the slightest bustle; and, in the same way, the State of New York has since had its constitution improved. Governments should be made like clocks, capable of being taken down, cleaned, and put up again, at pleasure, with ease and safety. Conventions should be chosen for this, and would be, but for “*the madness of the people*,” which the bible speaks of. I cannot conceive what the blockheads would be at who run down the bible; were it not the word of God, it would still be the politician’s best manual: I never find it at fault; and, the more I read it, the more I discover, wonder, and admire. Can this be among “*the principles*” which my friend JOHN BULL “*dislikes*?” He dislikes cant and hypocrisy: so do I. He laughs at humbug, and jeers at “*MORE HUMBUG*,” well, well; but what principles of mine does he dislike? If John is honest, he will tell; and you, my dear girls, shall then know with all my heart.

Religion, in my humble opinion, should have nothing to do with politics; or, to please Mr. McCulloch, call it political economy. Religion should rest entirely between the individual and his God, and should renounce conventions, not only as unnecessary but below its dignity. Political economy regards those matters which connect man with man; and all men should meet in convention to order aright; for, if the interests of all men are not taken care of by all, jointly and severally, some interests will preponderate and crush other some. Connecticut, the first of the United States which purified its constitution, by means of a convention, gave woful proof of the mischief of mixing up religion with politics. During the late war between England and America, a parcel of hypocrites, significantly termed by Cobbett, the Cossack priesthood, got together the Hertford convention, to thwart the measures of the federal government, and palsied the arm which, otherwise, would easily have taken Canada from England. It is well that it was so; for Jonathan was quite wrong in that affair; but no thanks are due to animals who are ever at war with nature and common sense. In the end, all will work together for good. In this case, Jonathan got a moral lesson: Canada remains, I hope, to be peopled with the redundant stock of England; and the Cossacks are no more in power, to direct the cabals of New England, keep alive blue laws in Connecticut, and disgrace true religion with cant and hypocrisy.

A few days ago, I received, from Upper Canada, a packet of printed papers, which some stupid person had put into the Bristol post-office, instead of sending by coach: it thus cost me 7s. 6d. instead of 1s. 6d.; but was worth all the money, inasmuch as the papers inform me of the mis-management of the Kingston Bank, and the blackguardism which has been going on in that most blackguard place. Had my measures

been followed out, for which I called, and held, the convention of *Friends to Inquiry*, Upper Canada would by this time have been the most flourishing spot on the habitable globe. The poor ignorant inhabitants are now wrangling about the Union of the Canadas, when, in fact, these provinces should be confederated with New Brunswick, Nova Scotia, Cape Breton, and Newfoundland, for general good, while each retained its local government, as is the case with the United States.

I found it impossible to describe my beautiful view: went out to the balcony to sketch it for you with a pencil; but, losing patience with my own clumsy efforts, sat down and wrote to three painters to come and try their hands at it. Should any one of these painters come to my aid, I may then, my dear girls, enclose a picture in my next sheet, which will at once instruct and charm you. Good night and joy.

ROBT. GOURLAY.

To Misses Jean, Janet, Helen, and
Catherine Gourlay.

Published in the Morning Herald, July 29, 1824.

No. 28.

LIFE IN LONDON.

House of Correction, Cold-Bath-Fields, July 30, 1824.

"You may call spirits from the vasty deep; but, will they come when you call them?" Truly, I doubt it: and I even doubt if any of my friends the painters will come. Twenty years ago, I proposed a public subscription for sending one of them to Italy; but it was better ordered. Another was employed by me, three years ago, to sketch the most beautiful and sublime scene upon earth; while I suggested that his son should go abroad, and bring home a picture of it for exhibition as a panorama. The third was, then, apprentice where I had plans drawn for settlement in the wilderness of Canada; the most important object, though yet totally neglected, of political economy. On the evening of the balloon adjournment, this young artist accosted me on Waterloo-bridge: I afterwards admired some prettily-ornamented plans in his shop-window: called another day to have one of the village of Wily, to replace what was given to his Majesty; but my friend was from home; and here am I, shockingly in the want of a wishing-cap. It would, I am convinced, pay to come here and take a sketch,—a sketch of *the picturesque in London*; and, that being the best argument for coming, I shall push on the speculation among the painters by enumerating objects for the pencil.

First, we have a bird's-eye view of a court-yard, 36 feet by 24, overhung by the balcony. It is well-paved, and, being walled to great height, on three sides, makes good shift for a tennis-court. This was once the utmost range of prisoners in the state-apartments; but times are changed, and we are happily changed in them, having liberal egress from the court to the garden. How thankful would I have been even for a court, when closed up, during the stifling heat of the Canadian summer, within Niagara Jail, by a door 10 inches thick, while my friends, even lawyers and magistrates, were excluded

by orders of a saintly Governor, whose honourable and reverend councillor and counsellor is now at home! How thankful for half of it would poor wretches have been who were ten times worse lodged than me, in that infernal Jail, so fair without, but, within, so horrible!! Talk of Missionary Smith!—talk of a weak and ephemeral enthusiast pining and perishing in a garret, after being condemned to death on jury trial; and I will tell you of men who were shut up for ten months *before* trial;—men found, at last, by jury trial, to be innocent! I will tell you that these innocent men had, in Niagara Jail, holes to lodge in thus long before trial,—holes unfit for the habitation of swine,—holes which you could not approach without risk of suffocation,—holes from which I have seen the stoutest young men come forth pale, and feeble, and staggering! Yes, and when told of this, think of me, your father, a living witness,—me, who have lived out storms which would have sunk the feeble Missionary to the bottom ten times over—the most dreadful storms of adversity and persecution!—me, who have combatted even against a desire to die,—me, who lived in London, year after year, infinitely worse off than now, and intent only on getting a hearing from parliament on the monstrous abuses of Colonial Government.—Think of me, having witnesses in town ready to prove how horribly I was treated abroad and to substantiate the above averments:—think of a lawyer engaging to plead my cause, and that of the public, after having my prayer worded to his liking!—think of this lawyer keeping up my petition day after day, and week after week, and month after month, while I hung on in anxious solicitude!—think of him detaining me till the moment when hope was wound up to the utmost; and then flying off, in a pet, after circuit-fees!!—think of this lawyer, who in heart, if he has one, despises fanaticism;—think of him, set on with the popular howl, and puffed up with vanity, unloosening his tongue against injustice, and tyranny, and murder, when he knew full well that it was all to no avail!—think of him coming awake over a putrid carcase, to deafen St. Stephen's and astound the million, when the sacred claims of the living were forgotten!—think of him, after deserting duty,—after betraying plighted faith,—after making shipwreck of the best opportunity for advancing reason, common sense, and utility;—think of him, who had written on colonial policy,—him, who had talked of drops of blood,—him, who had accused a minister of tergiversation, deserting the glorious cause of colonial reform, at a moment the most inviting; and, at last, pouring forth his strength for less than nothing, and vanity!!!—Oh! think of it, my youngest daughter, and answer this question from the shorter catechism, “what does every sin deserve?” What! if Westminster Divines tell you to say “God's wrath and curse?” where was the mighty harm in me, your father, inflicting, in a place where no riot could ensue, and when breach of privilege was unthought of, a gentle horsewhipping, *in forma pauperis*, and, as a mere remembrancer, on a ranter about colonial policy—a lawyer, who would freeze the liquid and warm blood drops of Russia,—a thing which can only frighten with its noise and its oratory? Ha! ha! ha! Let me again look out of my window: let me forget mankind, and feast my eyes on the beauties of the material world! Let me

go on to enumerate that the painters may have a *profitable* job, while I remain here, untried and imprisoned, after the last day of the general gaol delivery!!!

It is a fine evening; but, at five o'clock of a sunny morning, the view from my window is most fresh and enchanting.

ROBERT GOURLAY.

Sent to the Morning Herald, but not published.

No. 29.

CONFINEMENT OF MR. GOURLAY.

The case of this unfortunate person presents a monstrous anomaly. The charge upon which he was originally committed from Bow-street was not for an *assault*, but on the oaths of two eminent physicians, who swore to a belief of his *insanity*. Mr. Gourlay is, therefore, detained on the oath of two persons who *believe* him insane, and (as it is alleged) under the provision of a statute, which requires bail before he can be liberated!—Bail for a madman!—what absurdity! If Mr. Gourlay is not *compos mentis*—a subject which we are not able to decide, who will become bail for his *keeping the peace*?

To require a lunatic to find bail on a charge of insanity is a more preposterous thing than to ask X Parkins to cease making himself appear ridiculous. If Mr. Gourlay be unfit to have his liberty, let a *proper* inquiry and investigation into his state of mind take place; but let not an Englishman, who, at present, (so far as legal decision has gone,) has only been proved to possess extreme excitement and irritation—let not, we say, any man be immured in a gaol unconstitutionally and illegally.

Extracted from the Sunday Monitor, August 1, 1824.

No. 30.

LIFE IN LONDON.

House of Correction, Cold-Bath-Fields, July 31, 1824.

It was twenty minutes past four o'clock this morning before I started from bed. I lay awake half an hour, and we should not lay awake in the morning for a single instant. On that instant, perhaps, the fate of the day may turn; and a hundred to one it will turn out best to start within the instant. It would be well to adhere to John Wesley's rule, and get up precisely at four, winter as well as summer. It was the making of John and all his thriving methodists;—it was the making of Howard, who, in this, followed his example; and, as with God nothing shall be impossible, it may be the making of me, however hopeless, if I abide by it onward from the present day. I trust you have not been forgetful of my injunctions, two years ago, to rise early and walk out, when the weather is fine, before breakfast. If you have been forgetful, read over again my letter of that time, and rigidly observe its rules. I do not wish you to be methodists in all things, but in early rising you cannot be too methodical. Obey my orders in getting up, and go to bed when you please.

While shaving at the window, I observed a small speck become light in the village of Hampstead: some minutes afterwards, another a little to the eastward appeared; and, in five minutes more, a third was visible under Highgate hill: no doubt from the rising sun coming in contact with window glass. By and by the specks brightened, and at last twinkled like fixed stars. You know, I suppose, that planets do not twinkle. At five, the buildings of Gray's-Inn-Road got illumined, and some objects appeared beautifully gilded on one side, while the other was finely shaded off to the darkest hue.—Now, twenty minutes past five, a haze has obscured the distance; and even over our garden the air hangs heavily. It is ominous. The atmospheric equilibrium cannot be steady when such sudden changes take place: but, perhaps, the day may prove fine, for signs will fail. I should rather expect that it will turn out warm: too much so for those at work in the fields, but not for leaves and ears of corn. At this hour, with sweet liberty, I would brush the dew from the grass, but “I cannot get out! I cannot get out.” When the clock strikes six, one of our night watchmen, of whom there are four in the garden and outer yards, who interchange situations hourly, discharges his blunderbus, and immediately a bell is rung. Ten minutes or quarter of an hour later I hear noise within the prison, and presently all is bustle—unlocking and unbolting—creek-crank-clang. But what! has it taken an hour to write thus far? Oh, no: again and again I have looked out to mark changes of the sky, and to study the weather. Happily, at this time of day, we do not get into brown-studies. Now the head is clear—the vapours are dispersed—the senses are wide awake and vigorous.

Just now, my fellow-prisoner has come, alive, behind the skreen: so he may get up and dress while I sally forth into the garden.

I have paced a dozen rounds and noted down distances. From the vestibule in the interior of the prison to the common garden, by a walk which leaves the Governor's garden to the right, fenced in with a hedge and pales, it is 100 paces. My widest circuit in the garden is 420; but I can make shorter rounds, leaving out one break of the garden, two breaks, Lake Ontario, the terrace-walk, and so forth. The terrace-walk runs along the north-west front of the prison, upheld and fenced by a privet-hedge. From this hedge to the garden-wall is 30 paces, and the wall runs from 18 to 24 feet in height. It encloses, with the gardens and prison, various other buildings and yards, besides an encampment for vagrants. There are upwards of four acres of ground within the wall; but, being against-rule to go to the south side where the nymphs are encaged, I cannot say exactly how much more.

An iron railing, 8 feet high, closes in the court, under the balcony, from the garden; and a cast metal shaft, supported on two pillars, 11 feet high, passes through it longitudinally 4 feet within the rails. This shaft, which is jointed and moveable in sockets on top of the pillars, conveys the power obtained from the tread-wheel labour to be expended in turning round a machine which beats the wind; serving to regulate the motion of the tread-wheels, of which there are eight, in as many inner yards, six moved by men and two by

women ; generating a power altogether equal to that of 40 horses ; and which, when tread-wheel labour is finally approved of, will be put to some useful purpose. Meantime, a sailor tasked here, has damned his eyes, and declared he would think nothing of the work were he not affronted with grinding the wind.

From the balcony, beyond the wall, we overlook a tract of waste ground, so irregular in its boundaries, and surrounded by so strange an assemblage of objects, that my powers of comparison are quite at sea in judging of its extent : it may be ten, or it may be twenty acres. It is uneven in surface, and, in some parts, boggy. Carts are continually unloading rubbish here, and what is now a hollow seems destined, ere long, to be level from side to side. This waste is to me a scene of continued amusement. All day long it exhibits life and motion ; but, towards evening, when children are abroad, and parties of men assemble to pay at quoits, and form the ring for boxing, it becomes especially interesting.

On the east side, and but a little way from our wall, is a group of ancient buildings, embracing a small garden and shaded with trees, which, till within the last six years, stood quite alone. There is here a manufactory for tiles and pots : two cones, like glass-houses, rise from the group, and emit volumes of smoke, which, blown to the westward, gives the finest possible effect to the snowy whiteness of Bagnigge-wells, seen under it to the left, and a little more distant. The river Fleet whimsically winds round the western boundary of these buildings, and then disappears under cover of our garden-wall, finally to dive into sewers, and find its way to the Thames, beneath Fleet-market and Bridge-street, Blackfriars.

It strikes me that a grand improvement could be made by conducting a navigation from Regent's Canal to the river in this direction. It might be tunnelled and lighted with gas from Blackfriar's-Bridge to the top of Fleet-market, and, then proceed, open, with a towing-path and carriage-way on each side, till it crossed the Paddington road and was joined to the Regent's Canal. From thence the carriage-ways might branch off to Hampstead and Highgate ; making altogether a noble approach to and from the country. To render this improvement still more befitting the greatest city in the world, I would throw arches from Holborn to Smithfield, at once to form a level communication between these quarters (Holborn-hill remaining as at present) ; and to make a central mart, worthy of London, for all the articles now vended in Fleet-market, which might then be cleared of its low and mean awnings, leaving a large centre-arch open for communication north and south. All the others, up to Smithfield on one side, and Hatton-garden on the other, might be occupied as meat-markets, fish-markets, vegetable-markets, shambles, &c.

The bridge might be constructed so as to have a splendid appearance, as well to those going out of the city as to those entering it ; while the advantages of reaching the markets, with land or water produce, without the smallest confusion, by land and by water, would be infinite. There may be no individual interest to urge on such an undertaking, but its public utility must be obvious. In the accomplishment, there would be no sacrifice of any thing valuable, but the

contrary ; a parcel of mean buildings towards Battle-bridge would be pulled down, and a filthy rookery in the direction of Saffron-hill would be scoured out. The canal would sweeten what is now putrid ; and a healthful current of air would be let into the heart of the metropolis. Compare such an improvement to that of Regent-street, leading only from a palace to a park—an improvement which all rejoice to see nearly completed, however costly it has been ;—compare it to this, either in grandeur or utility, then it must hide its diminished and its empty head.*

The idea is so much to my liking that I shall not, at present, proceed with my enumeration, that my own and my children's names may stand the nearer in connexion with it ; thus, in prison, am I proud, as well as your very affectionate father,

ROBERT GOURLAY.

To Jean, Janet, Oliver, Helen, and
Catherine Gourlay.

Part published in the Morning Herald, August 5, 1824.

No. 31.

TO THE EDITOR OF THE MORNING HERALD.

House of Correction, Cold-Bath-Fields, August 6, 1824.

SIR,

You have published several letters addressed by me to my children. You have withheld two and curtailed the last in several places. What you did was gratuitous, and, therefore, I owe you thanks, which you will permit me to offer publicly.

It must have appeared obvious to every intelligent mind what moved me to write these letters ; charged with *insanity*, it was my duty to cast away care—to lighten my spirits—to fly to the embrace of objects most dear to my affection ; and seeing that these my innocent children must needs suffer from the vile scandal, it was fight to place them before the public, the more to abash my accusers and persecutors. It was well for a time to waive all consideration of the letter of the law, though it were but to *write on the ground*. My letters, uniformly easy, cheerful, and minutely correct, were good diversion. Had you published all it would have been better ; but there has been display sufficient, and now that there remain in sight neither accuser nor mad-doctor, I am contented.

I have never attempted to reason as to my confinement, because I wish not to trifle with a matter of such mighty consequence to the public. It is not for want of bail that I remain here ; nor is it because I am careless about liberty, God knows it is the very darling of my heart. Friends have called again and again, offering bail, but points remain to be settled of greater moment, and here I shall wait, let the day of liberation be never so distant.

* After eight months further consideration, I drew out a petition, with plans, to be presented to Parliament, in order to attract greater notice (see Appendix, A 28), and now, after twelve months more, am convinced there is no improvement of the metropolis so much required—which would pay so well ; and be every way so beneficial.

It happens that I am so bogged with unsettled affairs and law persecution, that even out of prison I could set about no profitable pursuit, and here I have advantages, though for these no thanks are due to my enemies. As yet I have taken what fare has been flung to me, and would not whine, even over bread and water; but being a prisoner of the crown—being yet untried, and having been bred in all things as much a gentleman as any secretary of state, I shall, by and by, make application for better treatment, and then think myself injured, if it is not readily and liberally allowed.

Having made these declarations, and entreating for the sake of the public that every prejudice may be suppressed, I now wish to sit down quietly to the consideration of my private affairs, and am your obliged servant,

ROBERT GOURLAY.

Published in the Morning Herald, August, 1824.

No. 32.

The next instance which we have to notice, is the conduct observed towards Mr. Gourlay, now, and for months past, a prisoner in the House of Correction, Cold-Bath-Fields. This Mr. Gourlay was, for years, the violent declaimer against government, both in Canada and England. He, day after day, personally insulted the Lord Chancellor in his court, and vilified the highest institutions of the country, and he was supported by all the whig papers, which gave whole columns to his correspondence, and pages in his praise: but, as for the interference of Government to check the violence of this person, no such thing was heard of, till, one day, Mr. Gourlay horse-whipped Mr. Brougham. What was then done?—He was committed, by the House of Commons, to custody, for a riot in the lobby—a measure perfectly correct and consistent with the dignity of parliament; but, when parliament was up, and he discharged, what happened next? He was apprehended in the street, on his way home, sent to a police-office, not on the charge of assault, preferred by Mr. Henry Brougham, but on a *charge of madness, preferred by the Solicitor of HIS MAJESTY'S Treasury!*

This, it seems, is legal; but it is, at all events, a course rarely, if ever before pursued. The Solicitor of the Treasury charges Mr. Gourlay with being mad, because he horse-whipped Mr. Brougham, and demands that he *shall find bail FOR BEING MAD*, or go to prison; and, upon the certificate of two doctors, *who refuse to swear to the contents of these certificates*, Mr. Gourlay is sent to the House of Correction, the day after the rising of parliament, in June, and there he *has been* ever since, and there he *is now*, and not a whig has a word to say for him. The CHRONICLE and The TIMES are shut against him; and the *whigs* desert him in *toto*, and leave him abandoned, while the tories in authority persecute him for insulting Mr. Brougham, only a little more than Mr. Canning himself has done in parliament, and Mr. Mackerrel out of it.—This may be justice, but it does not look like it.

Extracted from John Bull, September 26, 1824.

No. 33.

Mr. Gourlay's letters are too long for insertion. He is still in Cold-Bath-Fields prison : still rationally vindicates his conduct towards Brougham : says that we injure him by saying he insulted the Lord Chancellor, and expresses his belief that the editors of the whig papers have not ill used him ; but are the best and kindest persons alive. If Mr. Gourlay persists upon this topic, we shall begin to think he ought to be shut up in right earnest.

Extracted from the John Bull, October 3, 1824.

No. 34.

TO THE EDITOR OF THE TIMES.

House of Correction, Cold-Bath-Fields, October 18, 1824.

SIR,

It has been stated in your paper, and thence copied into others, that I had relinquished my room here to Mr. Fauntleroy, and received compensation for doing so, which is altogether untrue. I had quitted the room now occupied by Mr. Fauntleroy several weeks before he came here; having choice of my present room, which then became vacant. How is it that you, on five occasions out of six, when character was at stake, have spoken of me to misrepresent and degrade. Am I in your debt? or have I injured you?—I think not. Publish this, then, and let us be quits.

ROBERT GOURLAY.

Published in the Times.

No. 35.

This particular address is to the soldiers; and, when we say any thing about it, we are told that Mr. Hale is mad: so was Hatfield, so was Margaret Nicholson; but was the pistol of the one or the poignard of the other less dangerous on that account? The *man* may be mad; but what has his personal madness to do with his tracts? The style is not half so furious or inflated as the methodist tracts, which are so widely and effectually disseminated.—If a madman be mischievous, he is coerced, for the safety of his fellow-creatures. We confess we think Mr. Hale's tracts highly mischievous; and, really, while Mr. Gourlay is incarcerated in Cold-Bath-Fields, on a plea of insanity, because he horsewhipped Lawyer Brougham, we can see no objection against adopting a similar mode of treatment towards one whose alleged madness has for its object something much more important than whipping a whig.

Extracted from John Bull, November 28, 1824.

No. 36.

We are requested to state that, in the case of Hale, the disseminator of treasonable tracts, his Majesty's Government refused to prosecute;

and informed the magistrates of Woolwich that they might prefer a bill of indictment, if they pleased, at their own expense, against him; but that the Government would not interfere. It is, indeed, curious to see that a libeller of his king, and disseminator of sedition, escapes imprisonment, on the ground of insanity; while Mr. Gourlay, the horse-whipper of Brougham, is kept in gaol because he is mad. We may solve this apparent mystery one of these days.

Extracted from the John Bull, Dec. 5, 1824.

No. 37.

THE HELLS.

To the Editor of the Times.

House of Correction, Cold-Bath-Fields, November 27, 1824.

SIR,

There has lately appeared in newspapers and elsewhere, an article headed as above, and peculiar circumstances have led me to reflect gravely on the subject. Soon after being sent here, I was lodged in a room adjoining three others, holding as many prisoners, found guilty, nearly two years ago, of being concerned with gambling-houses.

If in the world we should not "dull the palm with entertainment of each new-hatched, unfledged comrade," much less ought we to do so in such a place as this. No effort was made by me or my fellow-prisoners to become acquainted with each other; but unavoidable meetings and common courtesies led to it; and after a few weeks, I found much pleasure in their conversation. I found all of them intelligent and gentlemanly; nay, after months of intimacy with my nearest neighbour, I can freely say that I have seldom met with any one more estimable. He, indeed, had nothing to do with gambling risks: he was employed by one of the others, with a salary of six pounds a week, to overlook the play-table, and see that there was no improper conduct or unfairness. His evenings only being required for this, it interfered not with his chief business; and, seeing that the laws against gambling-houses had not only been suffered to sleep, but that the greatest men of the land frequented them, he could neither imagine harm nor suspect danger.

Last summer, I read in *The Times* a most virulent philippic against gambling-houses; and, prejudice being strong on the same side, such articles pass unexamined, and, generally, approved. At an early period of life, I myself viewed every thing a-kin to gambling with detestation: used to reflect on the choice of a notorious gambler to represent, in parliament, my native county; and would not even receive as a gift, a share of a lottery-ticket. So far as it concerns myself, I remain strait-laced in these matters; but now forbear being censorious, and would, most assuredly, vote for the free toleration of gambling-houses—call them hells if you will. What is the state of man and the world? Have we ever, or any where, found that the purpose of nature is to make us perfectly secure and happy?—Does not religion, experience, all times, and all circumstances, afford proof

that we are placed here to struggle not only against the passions of our fellow-men but our own? Does not all around us induce belief that action is essential to happiness,—that there must be scope for adventure, incitement to exertion, trial, and temptation? This allowed, I would ask, where is the difference between speculating in the funds and speculating at play? between the man who makes money by watching the market and him who watches the turn of a card? between the man whose passions are inflamed amidst bustle, and slang, and vulgarity, and him who is led into temptation, where polish is essential and politeness indispensable?—Set aside fraud, and, so far as the individual is concerned, most assuredly the hell of St. James's Street are more respectable than the recesses of 'Change-alley. In either, all that law should provide is a strict guard against dishonesty. If it is said that allurements are greater in the one than the other, I say it is much better for the purposes of life—for circulating money—sharpening wit—raising up wise men and lowering fools. If pity points to a gambler's ruined family, and thence would plead for the suppression of gambling-houses, I would say that such occurrences are highly beneficial: I would maintain that a sudden dash of folly is calculated to produce more good than a prolongation of weakness;—that sudden and great misfortune is exemplary, while gradual decay can only dull the senses and deaden sympathy: in short, sir, I am clearly of opinion that, while Government relinquishes lotteries for ever, laws against gambling should be wholly repealed.

But the chief object of this letter is, not so much to deprecate existing law, as to expose a flagrant inequality of punishment under it. One of the prisoners above-mentioned kept a gambling-house: one merely let out his house for that purpose; and the third was employed as particularly spoken of above. The first, being considered a wealthy man, was sentenced to pay a fine of £5000, after bodily confinement of twelve months: the second, to pay £500, after eighteen months' imprisonment; and the last, £200, after two years of corporal durance;—all in the direct inverse ratio of merit from the beginning; but mark the end. He who was most culpable, having friends at court, was liberated, some months ago, without paying a farthing. He who stood next him in blame has paid the bodily penalty, but still pines in prison for want of sufficient interest; and he who is blameless at heart, must remain here still, three months, separated from his wife, now suffering from disease; and then be at the mercy of the Home Secretary as to the payment of his fine.

Coming from one accused of *madness*, this may excite little attention; but, I hope, it may stir up the *wise* to give it higher colouring, and to exert themselves in behalf of liberality, truth, and justice.

ROBERT GOURLAY.

Published in The Times, December 9, 1824.

No. 38.

MR. GOURLAY.

We have been accused, at various times, of blind political partiality, and a determination to laud our friends, at all events, at the expense of justice and the other party; but, we believe, it is admitted that, whenever we have thought we could see the humble oppressed, or the weak tyrannized over, we have never allowed political feeling to interfere, nor flinched from the attempt to put the matter in a proper light, and, at all events, fair point of view.

We are led into this short display of egotism in order to account for the publication of the following petition to the Lord Chancellor (see Appendix, A 19), which Mr. Gourlay sends us, as he says, "merely to impress upon our minds a just sense of the cruel situation in which he is placed."

We have more inducements than one to give publicity to this document, which, admitting it to be *ex-parte* statement, contains, at all events, some stubborn facts. In the first place, Mr. Gourlay has excluded all extraneous matter, and confined himself strictly to the points of his case; and, therefore, as matter of justice to an oppressed man, under *any* circumstances, we are led to publish it. In the second place, we consider it so complete a refutation of the *charge of insanity*, upon which Mr. Gourlay has been confined in the House of Correction ever since the rising of parliament last summer, just previous to which he caned Mr. Brougham, that it seems doubly an act of justice to an oppressed man, in *his particular circumstances*.

We have no doubt that those who choose to cavil at every thing we do will ascribe our interest in Mr. Gourlay to our distaste to the Duke of Somerset; but we repel the charge by anticipation. All whigs are, more or less, tyrants in domestic life; and all democrats are the highest possible aristocrats in their private and personal dealings. We are, therefore, neither surprised nor moved by the following details; but we cannot help thinking Mr. Gourlay's case a hard one; and, so thinking, we feel no scruple in saying so.

Extracted from the John Bull, Dec. 12, 1824.

No. 39.

We have, for some time, felt inclined to recall public attention to the extraordinary case of Mr. Gourlay, who, it may be remembered, was, for an alleged attack upon Mr. Brougham, in the lobby of the House of Commons, committed, by the House, to the custody of the Serjeant-at-Arms; and no further proceedings directed to be taken by the House, Mr. Gourlay was, at its prorogation, discharged. He was, however, immediately after, apprehended, on his way through the Strand, by a magistrate's warrant, before whom he was brought, and has, we believe, ever since, been confined in the Cold-Bath-Fields prison, for want of bail; and, to justify which detention, certain medical certificates were produced of the unsound state of Mr. Gourlay's mind. The

subject is one which concerns every body. Of Mr. Gourlay, and the particular circumstances connected with his case and history, we have no other knowledge than the rest of the world; but we feel that his situation may be that of every man, and, therefore, it is fit that it should be seen how far his detention, in the way in which it has been adopted, can be justifiable. We presume that Mr. Gourlay is detained on one of two grounds,—either for the supposed assault on Mr. Brougham, or as a person unfit to be at large. The first of these, we take it, is not now tenable for an instant. Either the House of Commons should have gone on with the matter, if they deemed it a fit subject to proceed with, or Mr. Brougham should have had recourse to the ordinary tribunals for redress. Neither of these courses having been taken; we conclude there is an end of the assault. At the same time, it is difficult to separate it altogether from the other ground—that is, Mr. Gourlay's unfitness to be at large, as that would not have been questioned, had it not been for his alleged violence towards the learned member. We never yet heard of insanity being a bailable offence. Insanity is a disease, and should be treated as such; but then the law of the land, we believe, requires that it should be made appear somewhat more clearly than it seems to have been done in this case before a sentence of perpetual imprisonment (which this, in fact, amounts to,) can be pronounced against any man, and that by a single magistrate!—Why is not Mr. Gourlay indicted? Why are not articles of the peace preferred against him? on either of which occasions he would be heard; or, lastly, why, if there are any grounds for it, is not a commission of lunacy resorted to, which it would be necessary to establish to the satisfaction of a jury, before his deprivation of liberty could be continued? We say this under a strong persuasion that there is little or nothing more in Mr. Gourlay's mental state than that degree of eccentricity to which the minds of all men are, more or less, subject, especially those who, like this gentleman, may have had to encounter the cares and anxieties of the world in a larger share than the generality. In every point of view, his situation must be considered an extraordinary one, and one to which, as a precedent, it is impossible to look without some degree of alarm.

We did not mean to notice this as a political subject; nor shall we, therefore, be tempted to say more of it, in that respect, than this,—that Mr. Gourlay, we believe, is a person whose political opinions have been somewhat free—that he has been engaged, first, in a ruinous speculation, and then in a still more ruinous litigation with a whig lord, and now owes his incarceration to his quarrel with a whig leader. To most persons, there may seem to be nothing in this, nor, perhaps, is there. To us, however, it appears to throw a gleam of light over a higher species of humbug than we are often doomed to deal with;—we mean the humbug of *mock-patriotism*. At any rate, it would seem that loss of property and of liberty is all that Mr. Gourlay has got from the whigs for his whiggery.

Extracted from the Morning Herald, Dec. 15, 1824.

MR. GOURLAY.

If Mr. Gourlay is not insane, he is one of those peculiarly sensitive persons whose nervous economy is so irritable as to incur all the suspicion, if not the proof, of madness. It appears Mr. Gourlay thought that our paragraph in last Sunday's journal deserved his reprehension, and the letter (which, in justice to him, we here publish) was sent to us.

TO THE EDITOR OF THE SUNDAY MONITOR.

House of Correction, Cold-Bath-Fields, December 14, 1824.

SIR,

Your last paper has been handed to me, from which I give the following extract. "*Mr. Gourlay (who is now confined in Cold-Bath-Fields, for madness) has written a letter to the public papers, defending gambling, and the Hells. We think this will not tend to remove the existing suspicion of his condition.*"

These words have been pointed out to several of your constant readers, as well as others, who express but one opinion, that they are spiteful. I myself have made light of my treatment to keep up my spirits, and abash my persecutors; but, when any one else does so, he must be suspected either as a hired slanderer or naturally malicious. If you wrote from mere thoughtlessness, it will do well to republish my letter from the *Times* of the 9th inst. and let your readers judge fairly betwixt us; and, if you have desire to do me full justice, you will copy out for them a petition of mine which was gratuitously and generously published in the *John Bull*, of Sunday last. In this place, I am not only guarding the remnant of my private property from wreck, but am waiting patiently till parliament assembles, to review a statute, under colour of which any British subject may be incarcerated, blasted in reputation, and ruined, whenever it suits the caprice of an offended minister. So placed, I cannot think that the British press should treat me with indifference, and far less with levity.

ROBT. GOURLAY.

We would willingly obey the directions of Mr. Gourlay in republishing his letter to *The Times*, upon which we made the unfortunate comment, if we had not a duty to perform to our readers, as well as a wish to oblige Mr. G.; and we are certain if such letter is referred to, it will not strengthen the opinion that the writer is a whit more sane than we wish to think him, or induce us to change the opinion expressed in our last. We are of a notion that few, if any, men of sound intellect will be found to contend that the HELLS, or hazard tables, at the west end of the town, are to be defended; or, at all events, if such singular persons are to be found, they must be eminently eccentric. Mr. Gourlay should learn to express himself differently, and to think that every body does not view his opinion in the same manner as himself; not that it follows such difference of vision

must be attended with "spite and malice." With respect to the gratuitous insertion of a long petition of Mr. G's, in the *John Bull*, the generosity of which he is so enamoured with, we would hardly wish to destroy his illusion; but, as the assertion was meant to have an insidious effect, we must tell Mr. G. that it is a proof of the weakness of his mind, at all events, if he thinks the *Bull* people care any thing about him, or his petition, only as it served their purpose against Mr. Brougham.

We feel that Mr. Gourlay is treated inhumanly and illegally, and that sentiment we expressed unequivocally in our journal four months ago. If he be sane, it was worse than farcical to ask him for (or to expect that he would find) bail for his good behaviour. We should like to know under what statute Mr. Gourlay has been committed, and by what law he is detained in prison. If he be insane, other proofs must be given, and then a gaol is not a fit place for his reception. If he is of sane mind, his detention is equally illegal and more. Either way, he is unjustly treated.

Published in the Sunday Monitor, December 19, 1824.

No. 41.

There has been a statement in one of the morning papers, attributing the confinement of Mr. Gourlay to Mr. Brougham. Neither in form nor reality has Mr. Brougham any thing to do with the matter. From the moment Mr. Gourlay was apprehended by the officers of the House, up to the prorogation of parliament, he was in the hands of the officers of the House of Commons. After the prorogation he was apprehended by order of the Solicitor of the Treasury, and committed on the testimony of two physicians, as a dangerous person, suspected of being insane. Mr. Brougham had nothing to do with the proceeding, either as prosecutor or witness.

The law is, that a person so committed shall be discharged, on giving bail at the Quarter Sessions, or before two justices, of whom the committing justice shall be one, or before one of the judges, or the Lord Chancellor. This bail Mr. Gourlay has not given. It certainly seems but reasonable that a person committed under such circumstances should find some one answerable for his peaceable behaviour. In fact, to all practical purposes, the question of sanity might be set aside; for, when there is no question as to sanity, and where security is required of a party to keep the peace, and he fails to give that security, he is committed, and his discharge or confinement depends upon the same compliance as that required of Mr. Gourlay.

Extracted from the Globe and Traveller, Dec. 21, 1824.

No. 42.

THE LAST DAY.

House of Correction, Cold-Bath-Fields, December 31, 1824.

'Tis the last day of the year;—that day on which my father's house resounded with joy: when it was crowded with relations and friends: when the youngest up to the oldest strove who should be most gay

and jocular. Then, the parlour, and the nursery, and the kitchen had each its visit of the village-fiddler, as *foo* as a fiddler should be ;—as *foo* as to fiddle *fu' weel*. Then the story, and the song, and the merry dance were continued till the infant year was ushered in most jovially. Then, the table linked round by arms across, and hands knit fast together, was in a roar with the well-remembered chorus,

"Weel may we a' be ;—ill may we never see ;

"God save the king, and this company."

Twenty years—thirty years—forty years ago, it was ever the same with me, the young *laird* in these our *daff* days ; but how changed are times, and we in them ! In my father's house, "the voice of the people is heard no more ;" while I may, in earnest, repeat the lament of Tasso,—

"Long years !—It tries the thrilling frame to bear

"Long years of outrage, calumny, and wrong,

"Imputed madness—prison'd solitude."

"*This is the state of man ;*" but should he, therefore, say, with the fool, in his heart, "*there is no God ?*" quite otherwise. It is the very proof that a superior intelligence exists. Yes ; there is a mighty maze, but not without a plan—a God unseen—a Providence, however incomprehensible—a Maker and Preserver, to be adored by humanity. Yes ; though in body mortal, I shall continue steadfast in the faith of immortality. Let every man, in charity, have his opinion ; but mine be this, that there is an eternity of bliss beyond the grave for *goodness*, and *justice*, and *truth*.

ROBT. GOURLAY.

Published in the Devizes Gazette, and the Fife Herald.

No. 43.

MR. GOURLAY.

We understand that it is the intention of this gentleman, as soon as circumstances permit, to resume his connexion with the agricultural world, by entering into business as a *land-agent*. From this it may be inferred that Mr. Gourlay expects to be set at liberty, probably, on the meeting of parliament. His detention certainly appears to be unjustifiable on the ground of insanity ; for, though there are some peculiarities about Mr. G. resulting from an honest warmth of feeling, yet we believe him to be quite as good and as rational as any of those concerned in keeping him within the walls of Cold-Bath-Fields prison.

Extracted from the Farmers' Journal, January 3, 1825.

No. 44.

TO THE EDITOR OF THE EXAMINER.

House of Correction, Cold-Bath-Fields, April 15, 1825.

SIR,

Mr. Stuart Wortley will, I hope, present, for me, to parliament, next week, a petition for inquiry into my case ; but, unless backed by the public, there will be but little chance of a fair and full hearing ; not

only vitally important to me, but of consequence to every British subject.

May I, therefore, beg of you to publish this letter, and the subjoined form of a petition, submitted as one which any person may safely subscribe, resting merely on a *belief* of my assertions.

I have been persecuted for fifteen years, and reckon that I and my family have lost thereby not less than £50,000. I was involved in a chancery-suit five years, gained all my points at law, and was then vexed six years more with an appeal, which had no object but vexation.

While I was abroad, my wife was frightened out of my farm, in Wiltshire, without compensation, and £10,000 has been lost by that concern alone. I was, after two honourable acquittals from false charges, in Upper Canada, cruelly imprisoned and banished. A provision for my children was withheld upwards of four years by litigation, and is so still, by a conspiracy of lawyers, though my right is confirmed by a decision of the House of Lords. On a second arrest, for the same alleged offence, which could answer no purpose but revenge, I was committed to this house, and kept on felon's fare. Finally, I am denied a hearing from the King, by the same minister who thrust me into prison.

While all this has happened, with misery unspeakable till hardened with endurance, I challenge the severest scrutiny into my conduct and principles. For twenty-four years my thoughts have been devoted to the study of the poor-law system, and, for the last eight, to that of emigration, in connexion therewith. To recover my property, to rejoin my children, from whom I have been separated eight years, or to set about any regular pursuit in life, is impossible, without parliamentary inquiry, prayed for in vain during five sessions. With this I cannot only obtain relief in my private affairs but submit simple and practicable plans for the reform of the poor-law system and emigration, objects of the weightiest import at the present moment. I never was, and never will be, connected with party: am neither tory, whig, nor radical; but, should the public and the press afford aid, I shall either prove myself an useful, honest man, or quietly sit down for ever, as a vain, troublesome, and empty fool.

A public subscription was set on foot for me in 1822, which I declined, while my honour was held in question; but, were the public to support me through difficulties, most cheerfully should I submit to be advised or assisted.

ROBERT GOURLAY.

FORM OF PETITION.

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled.

The Petition of the undersigned Inhabitants of the Parish of——,

HUMBLY SHEWETH,

That your petitioners have heard that Robert Gourlay, a British subject, has been deprived of his property in England, by a long-continued and vexatious suit in Chancery;—that he has been unconstitu-

tionally banished from his property and friends in Canada, after two honourable acquittals from false charges ;—that he has been, for five years, unjustly deprived of provision for his children by litigation, and is still deprived of the same, though secured by decision of the House of Lords ;—that he has often, but without success, petitioned the king and parliament for inquiry into his case ;—and that he is now confined in the House of Correction, Cold-Bath-Fields, without the benefit of trial, and because he will not give bail, according to a statute which, would fix a taint of insanity on himself and his family.

Your petitioners, therefore, entreat that your honourable House will be pleased to appoint a commission to visit the said Robert Gourlay ; make such inquiry into his case as may insure justice, and restore him to the possession of his property at home and abroad, and they will ever pray.

Published in the Examiner, April 16, 1824.

No. 45.

TO THE PEOPLE OF WILTSHIRE.

“ Not only the people, but the very soil, of Wiltshire remains dear “ to my remembrance ;—its bourns and its downs. Seven years of my “ life were spent in Wiltshire ;—most interesting years of sunshine and “ cloud. Wiltshire gave birth to five of my children—to one of them a “ grave.”—*General Introduction to Statistical Account of Upper Canada*, p. 208. The above extract was written and published by me three years ago, little thinking that I should revert to it for warming hearts and winning endeavours in my behalf—endeavours which I now earnestly solicit to procure for me a full and fair hearing before Parliament. Mr. Stuart Wortley, a gentleman of stanch constitutional principles, has undertaken to present for me a petition for inquiring into my case (Appendix, A 22), but unless backed by the public this will have small chance of being heard. I now, therefore, ask you, one and all, rich and poor, men and women, to support my prayer with yours. No man ever sustained such a run of persecution as I have done for fifteen years together, at home and abroad ; but, thank God, I am now better than ever before in life, both in bodily and mental health ; and, with public countenance, am sanguine of yet doing well for myself, my family, and my country.

People of Wiltshire !—it was not in frolic or deceit that I broke flints for your highway, but to retain life, to banish care, and regain that strength which enabled me to beat my most powerful private enemy out of Chancery. It was not madness which induced me to apply a lady’s riding-whip to the shoulders of a member of Parliament. It was an innocent mean advisedly resorted to for procuring notice to my desperate situation, and a pledge that my life was ready to be risked for my honour, and that of my children :—yes, and it ever shall be. From you I now ask but signatures to such a petition as that subjoined (the above) which involves no responsibility. I solemnly declare that the case is truly stated ; and you will hazard only your belief. Give me your names, people of Wiltshire, frankly and without delay ; attach them to petitions in your respective parishes, and let them be despatched

to either of the county members, who will, I am sure, readily and cheerfully present them to Parliament. No one is safe while the law, under colour of which I am imprisoned, can be acted upon as it has been. I have endured nine months confinement to bring this into notice—to have it amended or repealed. In petitioning for me, then, you will petition for yourselves and your offspring—you will petition for the certainty of not being subject to be caught upon the *ipse dixit* of doctors, as madmen—committed to the house of bondage—blasted in reputation; and, perhaps, driven mad. Englishmen!—think of all this; and what you have to do, do quickly. Be at once my friends, and the friends of liberty.

ROBT. GOURLAY.

Published in the Devizes Gazette and Salisbury Journal.

No. 46.

MR. ROBERT GOURLAY.

Mr. Hume presented a petition from a parish in Fifeshire, praying that a commission might be appointed to inquire into the case of Mr. Robert Gourlay. The petitioners were impressed, like many others, with an opinion that Mr. Gourlay had been severely and unjustly treated.*

Mr. Peel said that Mr. Gourlay was not now confined by Government, but merely because he was unable to give the security required. He (Mr. Peel) had sent directions that Mr. Gourlay should be kindly treated.

Mr. Brougham admitted that the petitioners were under some misapprehension on the subject. He was satisfied that the unfortunate gentleman had been ill-treated in Canada; and the outrage in the lobby of the House arose out of it. It was most absurd to suppose that such a notion had got abroad, that he (Mr. Brougham) had any thing to do with Mr. Gourlay's present confinement. The assault upon him was committed merely because, on presenting a petition from Mr. Gourlay, regarding the education of the poor, he (Mr. Brougham) had not sufficiently entered into the case.

Mr. Peel said that the course pursued towards Mr. Gourlay was only that of every ordinary case. In reference to the outrage in the lobby, Mr. Gourlay had excused himself afterwards, by saying that he had only followed high example, by scourging sinners in the temple,—(A laugh.)

Mr. J. Williams said that he had been entrusted by Mr. Gourlay with a petition (Appendix, A 21), complaining of the decay of his health, from confinement, but speaking in high terms of the Governor of the House of Correction.

Mr. Peel repeated that he had given directions that every indulgence should be shown to Mr. Gourlay.

The petition was then brought up, read, and laid upon the table, with, we think, only one dissentient voice.

Extracted from the Morning Chronicle, April 26, 1825.

* See Appendix, page 135.

ROBERT GOURLAY.

Mr. Hume presented a petition from several landowners and other inhabitants in Fifeshire, praying that Mr. Robert Gourlay, at present confined in Cold-Bath-Fields' prison, might be restored to his liberty and possessions.

Mr. Secretary Peel said Mr. Gourlay had, all along, been guided by the impression that he was kept in confinement by the government. Such was not the fact. He was detained there by the laws of the country. If respectable bail was put in to insure his good conduct, he would be immediately released; and it would be a great satisfaction to him (Mr. Peel) if some one would come forward to enable him to be discharged. If Mr. Gourlay did not write so many letters, he might have supposed that his mind had been restored. He had given directions that the poor gentleman should be treated with all possible indulgence.

Mr. Brougham concurred with the right honourable gentleman, but observed that, owing to the Solicitor for the Treasury having attended at Mr. Gourlay's examination at Bow-street, an opinion had got abroad that he was detained at the instance of government. This he knew to be incorrect, and he wished it, also, to be understood, that he (Mr. Brougham) had in no way been the cause of the poor gentleman's being kept in prison, nor had taken any one step to have him lodged there. He had had no quarrel with Mr. Gourlay, and the circumstances under which he had committed the outrage upon him (Mr. Brougham) were such as, whatever opinion they might give him of the soundness of his intellect, could not create any anger towards the individual. The petition of which he spoke he had put into his (Mr. Brougham's) hand three or four years before, and it related to the education of the poor. Mr. Gourlay wished him to introduce, upon that occasion, a statement of his own case, and he, although it had nothing in the world to do with it, had complied, and had made that statement. When Mr. Gourlay committed the outrage upon him, he said, "let the dead bury the dead," alluding to the case of Mr. Smith, the missionary; and added, "If you can find time to attend to the affairs of a dead missionary, why do you not attend to mine?" He believed that Mr. Gourlay had experienced very harsh and unjust treatment in Canada. The learned gentleman concluded by declaring that, as far as he was personally concerned, he had no objection whatever to the liberation of the petitioner.

Mr. Peel said it was quite an ordinary case of a man who failed to get security for his being harmless. He had been committed for a breach of privilege, and it afterwards appeared that he was in a state of mind which might make him dangerous to the public if set at large. Evidence of this state of mind was given by himself, when he justified his conduct in the lobby of this House, by the sanction of the highest authority, "scourging sinners out of the temple."

Mr. J. Williams said he held a petition in his hand from Mr.

Gourlay, which contained none of the apocryphal and strange allusions which the right honourable gentleman had adverted to. It was written in respectful terms, and contained complaints of the treatment he experienced. His provisions he complained to have been not suited to his habits. His treatment had been varied from time to time; but now it was getting worse and worse. Yet he spoke with respect of the magistrates, and very highly of Mr. Vickery, the Governor of Cold-Bath-Fields. The petition was then brought up, read, and ordered to be printed.

Extracted from the Devoizes Gazette, April 28, 1825.

No. 48.

“A loungee at the Hole-in-the-Wall,” asks—What has become of that old and staunch friend of the labouring poor, albeit he hath a bee in his bonnet, Mr. Robert Gourlay?—We have to inform him that he is still confined in Cold-Bath-Fields’ prison for his assault on Mr. Brougham. The case of this gentleman, it must be confessed, is a hard one. Had he assaulted Mr. Brougham any where else than within the precincts of St. Stephen’s, he would have been tried and punished for the offence by a fine, or a fixed period of imprisonment, like any other of His Majesty’s liege subjects, who may happen to commit such an offence; but because the assault was committed on the threshold of the House of Commons, he is immured in a prison without trial or a sentence, and for a period to which nobody can assign the limit. It would seem that the nearer to Parliament the farther from justice.

Extracted from the Trades’ Newspaper, August 14, 1825.

No. 49.

TO THE EDITOR OF THE EXAMINER.

House of Correction, Cold-Bath-Fields, October 19, 1825.

SIR,—As your brother honoured me with a call last week, and can vouch for the *mens sana in corpore sano*, I subjoin a copy of a letter despatched yesterday to the Lord Chancellor, giving you liberty to publish it (Appendix, B 44). It is not for me to anticipate objections to my proposals, but I shall be happy to answer any that may be started. To induce readers more seriously to consider that 50,000 people could be spared out of the United Kingdom annually, and that my other positions are tenable, I should have accompanied this with a table of population for the last twenty years, showing the yearly increase: what was the waste of life in the army and navy, what during war, and what since: also, a table showing the difference of expenditure in war and peace. These tables I cannot construct where I now am, for want of books of reference; but you could probably furnish them with little trouble, and they would of themselves be interesting.

The last Edinburgh Review defies any one to point out a single benefit derived by us from our colonies in North America, and affirms that these have cost 70 millions, which is quite a low estimate. The

Canadas alone have cost much more. Every year since the peace large sums have been expended in aid of emigration, and, almost in every case, misery has ensued. £30,000 was voted last year, and a like sum this year for mere experiments in removing handfuls of people from Ireland to Canada—experiments gone about while not a single principle has yet been established on which such projects should proceed. Emigration and settlement may be reduced to a science, and should government cause me to be visited, examined, and assisted, I shall have no difficulty in making it obvious. Jesus Christ was accused of having a devil: Paul of being mad; and the people of Glasgow declared that the benevolent Howard was *daft*. With these facts on record, why should I despair of doing good, though reported insane by hired doctors, and, therefore, confined these last sixteen months? None of the fellow voyagers of Columbus could make an egg stand on end till he did it with a tap on the table. The right principle of emigration and settlement will appear almost equally simple when explained.

ROBT. GOURLAY.

Published in the Examiner, together with the letter to the Chancellor above referred to, Oct. 23, 1825.

No. 50.

MR. GOURLAY.

We have received an address to his Majesty, written by Mr. Gourlay, (Appendix B 45), which, although we cannot give it a place to-day, we notice, not on account of its importance—not because we are either supporters or partizans of Mr. Gourlay, upon questions of a public or political nature; quite the contrary. We give it a place,* as a proof that Mr. Gourlay now is, and has remained for months and months, a prisoner in the House of Correction, Cold-Bath-Fields, because he horse-whipped Mr. Brougham,—an act which was strangely construed into evidence of insanity; upon which charge the Solicitor to the Treasury appeared against him, and demanded bail, or securities, that he should do no mischief. That this is law we have already expressed our full belief: but that it is very like nonsense, we must also be permitted to say. To take sureties for a madman's quiet conduct when at large, seems the height of absurdity: however, so it is; and, although it has been truly said that Mr. Brougham has no personal share in the infliction of Mr. Gourlay's present punishment, Mr. Brougham was its first cause; and we think that humane and liberal gentleman could do no better than use the influence which, by those who are ignorant of the matter, he may be thought to possess to put Mr. Gourlay under personal restraint, to get him released from the protracted imprisonment, which looks very like persecution.

Extracted from the John Bull, October 23, 1825.

* It got no place neither that day nor after.

House of Correction, Cold-Bath-Fields, November 10, 1823.

SIR,

Contending for the liberty of the subject and the security of reputation against the vilest and most dread conspiracy that was ever concocted and persisted in by arbitrary power for the ruin of an individual, I have, from the first day of confinement here, deemed it duty to keep up my spirits, and banish care: I have done so to the deadening of sympathy. I have managed, with the smallest possible aid, to try how long and how far, deprived of all property, deserted by many friends, and scandalized beyond example, I can hold out against cowardice, hypocrisy, and revenge.

Three years ago, distracted with law persecution, I fled to the country, changed the course of my thoughts, and braced my nerves with honest labour, rather than give in; and would do so again, under like circumstances. I then held out till my most remorseless enemy was beaten out of chancery, and bread was secured to my children, by decision in the House of Lords. During this period, the gloomiest of my life, I refused a public subscription, most kindly offered, not from pride but principle; and have done the same here, again and again. I want justice, not pity; and know that perseverance in the course I have chosen, is duty alike to myself and the public. It is not, therefore, to win compassion that I beg of you to publish this and the subjoined letter. I wish to submit to impartial consideration the question of *right* spoken of below, setting feeling altogether apart. Mr. Peel did not deign to reply to my letter, but sent it to the visiting magistrates; and, a month afterwards, their clerk applied to me for a copy, saying that the original had been returned to the Secretary of State. Another month and more having elapsed, without decision, I now think it time to appeal to the public.

There are sad mistakes abroad as to me and my case; but, situated as I am, it has appeared prudent rather to attempt no explanation than fail from imperfect means. Permit me, however, to say that I am willing, with fair opportunity, to answer any question, or combat any argument, maintaining that, for upwards of sixteen months, I have been wantonly, cruelly, and falsely imprisoned.—Permit me to say, that these sixteen months of imprisonment are but part of sixteen years during which I have been persecuted to the death, unceasingly, at home and abroad, because of my principles.

Let it not be supposed from what is now said that I am soured with my present abode. Never in life was I better employed than here, and never more happy; so true is it that the kingdom of Heaven is within us—so true is it that God tempers the wind to the shorn lamb. Fifteen months ago, I publicly declared that I had advantages in this place,* and I have so still. Here I enjoy retirement, quiet, and security,

* See above, No. 31.

for the management of my entangled affairs: here I can best fight out the battle with my enemies; and I really wish not to be liberated till full and fair inquiry into my whole case is afforded. This assuredly can be granted under the royal mandate, and, should the public assist me in procuring it, most thankful shall I be. It is not for myself that I am most anxious: God knows, self is not with me all in all. With full and fair inquiry, I know that I can be of use to my country and my kind.

As to the legality of my confinement, crown lawyers have taken their stand on the letter of a statute; but I deny this to be tenable. I deny that the letter of any law is to be regarded in the teeth of common sense and discretion: I deny that the statute contemplated such a case as mine: I deny that it authorizes operation on mere opinion, especially when that opinion was paid for, and notoriously false. The letter of the law which requires bail for the good conduct of a madman, is obviously absurd: more than that, execution upon it is contrary to the Bill of Rights, which declares that excessive bail shall not be demanded; and what can be more excessive than to require a bond which would corroborate against the bondsman a charge of insanity? I assert that it was unfair to hold me up to the world as a madman, in the prison-room of the House of Commons, for weeks together, without a hearing: I assert that my offence, committed within the precincts of the House of Commons, was cognizable there by parliament, and that by parliament it was most severely punished: I assert that my arrest, after liberation thence, by the civil power, was supere rogation, and altogether unconstitutional. Blackstone says, "*It is contrary to the genius and spirit of the law of England to suffer any man to be tried twice for the same offence, in a criminal way, especially if acquitted on the first trial;*" but what have I experienced? punishment for a mere piccadillo, out of all bounds,—punishment after punishment *without* trial—mockery after mockery. I assert that it was unfair to cut short my examination at Bow-street: I assert that it was unfair to array the Sessions, on my appearance there, with mad doctors: I assert that the whole proceeding against me, first and last, has had no object but vengeance; and that there was not even the slightest necessity for precaution. I assert that no reputation could be safe if such practices were to obtain sanction. Thank God, I am no weakling, either to be appalled with tyranny or abashed with the world's dread laugh. Seasoned with adversity, I can now stand its utmost trials, and shall perish in this den of thieves, rather than enter into any compromise which would make my submission a precedent for the oppression of others, or entail upon my children the taint of insanity.

ROBERT GOURLAY.

House of Correction, Cold-Bath-Fields, August 9, 1825.

SIR,

I have been your prisoner upwards of thirteen months, and may be so for life. The magistrate who committed me to this place declared publicly that he would give particular directions that I "*should have*

every necessary supplied and be in every respect treated as a gentleman." On coming here, however, towards midnight, I was put into a horrible apartment among invalids, the greater part felons, a lunatic, and a perpetrator of unnatural crime; and next morning was treated with felon's fare. By and by, I submitted to the solicitor of the Treasury, Mr. Maule, whether I was not entitled to better provision, but his reply afforded no relief; and, that you should not be ignorant how matters stood, I furnished you with copies of the correspondence. My own clothes being sufficient for the time, and having hope of relief from parliamentary inquiry, I was silent on that subject; but, since the prorogation, have communicated with the governor and visiting magistrates, to know whether, as I had felon's allowance of food, I should not then, at the end of twelve months, have money equivalent to what felon's clothing would have cost, had I been wearing such, to lay out to my liking. This the magistrates promised to determine by next day; but I have waited several weeks and pressed for reply, saying that I meant to ground upon this a letter to the Secretary of State, without receiving one, and now deem it improper to wait longer.

Under the accumulation of mental affliction, all matters as to food and clothing are, comparatively, of little consequence; but whatever my right in these matters is, if any, I wish to have settled with as few words as possible; and beg that you will immediately direct as to it.

I am, sir,

Your most obedient servant,

ROBERT GOURLAY.

*The Right Hon.
Robert Peel.*

Published in The Times.

No. 52.

THE FIRST HOUR OF THE YEAR.

"That hour of Night's black arch, the key-stone."

Another year is gone—another come!—and now the infant year is ushered in by thousands—millions, gladsome. Yes! throughout England, tens of thousands, happy souls, circling around the festive board, or hemming in the cheerful fire, even now give loud acclaim. Ah! merry, thoughtless hour to all but me;—me, lonesome, barred, and bolted in, with arches overhead and underneath,—me, in this sombre hold, where once were Despard, Thistlewood, and Fautleroy! But, is this midnight hour to me quite profitless?—far otherwise. I prize this hour, this solitude, these prison-walls, such solemn thoughts, and sad remembrances. These make me think—think deeply of the world, its origin and end; of time gone by, and time to come;—of TIME, and how it may be best redeemed—redeemed for good to others and myself. Oh! 'tis a precious hour, and glorious opportunity. I envy no one; bid welcome to the year; forgive my enemies, and pray for friends *indeed*—more of them and less need.

ROBT. GOURLAY.

House of Correction, Cold-Bath-Fields, January 1, 1826.

Published in the Morning Chronicle, next day, and other papers.

No. 53.

TO THE EDITOR OF THE MORNING CHRONICLE.

House of Correction, Cold-Bath-Fields, January 17, 1826.

SIR,

Some kind friend, whose name is concealed, has, very considerately, during this rigorous season, sent me three excellent blankets, a handsome counterpane, and comfortable morning gown, which I should be glad gratefully to acknowledge through the medium of your paper.

The gown fits to admiration, and is already in wear. The counterpane adorns my uncurtained couch, and having already abundance of blankets, I propose giving those sent, with leave of the donor, to an old servant, who, while toiling night and day for an infirm family, has waited on me, constantly and faithfully, for sixteen months, without fee or reward.

ROBERT GOURLAY.

Published in the Morning Chronicle, January 20, 1826.

No. 54.

There was a beautiful mystery in this piece of Manchester stuff, (the meeting of labourers, speeches of Hodgins and others,) but comment is needless—warning is useless. The Deity is caricatured by Carlisle, in his shop-window: nobody interferes: it is a pity not to let every body enjoy their own opinions. Mr. Hale excites mutiny and insubordination in the army: poor fellow, he is mad. He insults the sovereign almost every Sunday: he libels and lampoons the church; but he is perfectly harmless! while Gourlay has been kept a close prisoner in the House of Correction, for nearly two years, the only proof of his insanity being his having beaten Mr. Brougham in the lobby of the House of Commons!!

Extracted from the John Bull, February 5, 1826.

No. 55.

Mr. Gourlay still continues an inmate of the House of Correction, where he occupies a state room. He is said to be perfectly reconciled to his situation, and to have repeatedly declared that he is happier where he now is than he has been for years before. He is entitled to his liberty on finding sureties for keeping the peace.

Extracted from the John Bull, February 19, 1826.

No. 56.

MR. GOURLAY.

Mr. Hume presented a petition from the county of Fife, on behalf of Mr. Gourlay, who had been confined for the space of nineteen months without trial or examination. The petitioners represented that this

treatment savoured more of oppression than the mild and sacred principles of liberty; and they requested the House to interfere, in order that justice might be done to him. He was desirous to have an answer, or some statement made, as to the intentions of the Government respecting that unfortunate man.

Mr. Peel said the detention of *Mr. Gourlay* was not occasioned by the Government or the Secretary of State; nor was he confined on account of any breach of the privileges of that House, but for having assailed an Honourable Member, under circumstances which led to strong suspicions of insanity. He had refused to provide recognizances for his peaceable conduct; and if any one would come forward—if the Honourable Member for Aberdeen, for instance, who seemed to have such a strong feeling in his behalf—if that Honourable Member would only go before a magistrate (a laugh) and enter into securities for *Mr. Gourlay's* peaceable demeanour towards all the king's subjects, there would be no further impediment. He had given directions that *Mr. Gourlay's* confinement should be as little onerous as possible; but his detention there was nothing more than in pursuance of the ordinary course of law. He would be very happy if his friends would come forward and certify in his behalf.

Mr. Hume said he should have no sort of objection to enter into recognizances for *Mr. Gourlay* if he would consent to it; but he refused to do so, lest it would imply an acknowledgement of his insanity.

Mr. Secretary Peel (in a very low tone) observed, as we understood, that, if he was to judge from the letters written, at various times, by *Mr. Gourlay*, there could remain no doubt in his mind upon the subject of his insanity.

Mr. Hume said that means could be immediately found of ascertaining that fact, if it was considered any obstacle to his release from imprisonment.

Sir Francis Burdett made some observation, which was almost wholly inaudible in the gallery. We understood the Hon. Bart. to say that, as there was no reason alleged for his confinement, there could be no objection to his release upon his own recognizances.

Mr. Croker observed that the very fact of magistrates accepting such recognizance would be in itself a vindication from the charge of insanity. The petition was laid on the table.

Extracted from the Morning Chronicle, March 7, 1826.

No. 57.

Mr. Hume rose to present a petition from the inhabitants of Dunbog, in the county of Fife, in favour of *Mr. R. Gourlay*. The petitioners stated that his detention in Cold-Bath-Fields' prison for nineteen months savoured more of oppression than of the liberty which was the essence of the British constitution. They required that the House would take such steps as would insure justice to *Mr. Gourlay*. He could wish to hear from the right honourable gentleman opposite some statement of what was intended to be done towards this individual.

Mr. Peel presumed that the House was aware that *Mr. Gourlay*

was not detained at the instance of the department of which he was the head, nor at the instance of the Government in general, nor in consequence of any breach which he had committed of the privileges of the House. He was detained because he had committed that breach under circumstances which led every reasonable man to entertain doubts of his sanity. If any individual, if the honourable gentleman himself (a laugh), would enter into recognizances that Mr. Gourlay would keep the peace towards all His Majesty's subjects, that individual would not be detained a moment longer. If the honourable gentleman was satisfied of Mr. Gourlay's sanity, he could obtain for him, from any magistrate, that relief which the petitioners called upon the House to grant him. He had done all that he could to render Mr. Gourlay's detention in Cold-Bath-Fields as little onerous as possible; but he could not consent to his liberation when he would neither enter into recognizances himself nor permit his friends to enter into them for him. He was not detained in the ordinary execution of the law; but, if he wished to be released, he must abstain from writing letters similar to some of those which he (Mr. Peel) had read from him, as they were well calculated to make every reasonable man doubt of his sanity.

Mr. Hume said that, as far as he was concerned, he had no objection to enter into recognizances for Mr. Gourlay; but the fact was that Mr. Gourlay would not allow him to do so until some examination had taken place into his sanity, and the circumstances under which he had been committed. Mr. Gourlay was of opinion that, if he entered into recognizances without such examination, it would be admitting that he was insane.

Mr. Peel observed that Mr. Gourlay had written such letters since his detention that it did not leave him the option to set him at liberty without recognizances, even supposing he legally had the power to do so, which he very much doubted.

Mr. Hume said that, whatever might have been Mr. Gourlay's condition formerly, it had nothing to do with the object of the present petition. The question was, whether he was sane at this moment; and he thought that it ought immediately to be ascertained whether there was any ground for keeping him any longer in durance.

Sir F. Burdett spoke very shortly, but in so low a tone as to be wholly inaudible; and, after a few words from Mr. Croker, the petition was ordered to lie on the table.

Extracted from The Times, March 7, 1826.

No. 58.

A petition (above mentioned) of certain inhabitants of the parish of *Dunbog*, in the county of *Fife*, in behalf of *Mr. Robert Gourlay*, was presented and read, setting forth, That the petitioners have learned, with the utmost regret, that the above-named unfortunate gentleman, a native of the county of *Fife*, has been detained for the long period of nineteen months, without trial or examination, in a state of rigid confinement in the House of Correction, *Cold-Bath-Fields*, a circumstance which, to them, appears to savour more of oppression than of those sacred principles of

liberty which compose the most attractive ornament of the *British* constitution; the petitioners, therefore, earnestly implore the House to institute an immediate inquiry into the situation and circumstances of *Mr. Gourlay*; and humbly pray that a commission may be forthwith appointed to examine therein, that he may be assisted if found worthy. The petitioners beg leave to assure the House that they take a deep interest in the fate of this unfortunate man, and feel confident that in the Commons House of Parliament, a body of men who, for honourable, upright, and generous feelings, are unequalled in the world, there must be found many gentlemen who will be disposed to look with sympathy and commiseration on his fallen and blighted fortunes. To the wisdom and goodness of the House, therefore, the petitioners look upward for a decision of justice tempered with mercy. The petitioners can assure the House, that *Mr. Gourlay*, who was once an extensive farmer, in *Fife*, is well known to be distinguished for the splendour and originality of his powerful talents, his knowledge of the poor-laws, *Canada*, and the corn trade. His relations and friends are persons of respectability. His father was for twenty years a magistrate in the county of *Fife*, and was, doubtless, one of the greatest and most successful improvers that the petitioners could boast of. The petitioners have further to assure the House that, though few in number, residing in the least populous parish in *Fife*, they yet yield to none in sincere attachment to our invaluable constitution; and they rest satisfied that they express the sentiments of the majority of the inhabitants of that rich and populous county, in declaring it would afford undivided satisfaction to every right thinking person there, should the House deign to take *Mr. Gourlay's* hard and pitiable case into their gracious and benevolent consideration.

Extracted from the Journals of the House of Commons.

No. 59.

On Monday, Mr. Hume presented a petition in favour of Mr. Gourlay, whose cause we advocated as long as any thing reasonable could be urged in his favour, merely because he licked Brougham, which, we confess, we thought rather praiseworthy: but, since Mr. Gourlay chooses to remain in a cell in Cold-Bath-Fields all the rest of his life, when he may walk out of it to-morrow, in order to prove that he is not mad, we think it would be madness as well as cruelty to disturb him. However, Mr. Hume volunteered, in the handsomest manner, to become his surety; thus proclaiming his opinion that thrashing the learned Member for Winchelsea is no proof of insanity; and, moreover, restoring to liberty, and his family, an oppressed gentleman, labouring under a groundless imputation.

The readiness with which Mr. Hume volunteered this piece of tenderness astonished the House, until it was ascertained that Mr. Gourlay had positively refused to accept the offer.

Extracted from the John Bull, March 12, 1826.

"Sir Francis Burdett said Mr. Gourlay was justified in the course he pursued."

Mr. Gourlay has just now read the above words in the Caledonian Mercury, of March 9, and takes the liberty to ask Sir F. Burdett if they have been correctly reported.

Mr. G. has ever, on principle, stood aloof from party politics: acts uniformly on his own individual opinion, uninfluenced either by friends or foes; and jealous even of feeling: nevertheless, would be highly gratified with the assurance that his conduct has met the approval of Sir F. Burdett.

House of Correction, Cold-Bath-Fields, March 18, 1826.

NOT REPLIED TO.

MR. GOURLAY.

Perhaps, the generality of our readers are not aware that any individual may, by the warrant of a magistrate, acting upon his own responsibility, or upon the affidavit of two persons, be incarcerated in a prison as a lunatic, and there detained till he, the alleged lunatic, shall find bail to keep the peace towards *all* the subjects of the king. In the case of one man assaulting another, the offender is held to bail to answer the charge, which may or may not be well founded, at the sessions. This is perfectly unobjectionable, for the party that is wronged has his remedy. But, in the case of alleged lunacy, the accused is placed in a situation exactly the reverse of all other offenders against the peace. In the one instance, the accused is presumed to be innocent, and is held to bail till convicted by a jury. In the other instance, that of lunacy, the accused, no matter who he is—no matter who are his accusers, is held to be *non compos mentis* till his sanity be established to the satisfaction of a magistrate. The law of natural justice is here inverted, and the *onus probandi* is put upon the accused, just as if the man who is charged with stealing a watch were, in the eye of the law, held to be a thief till he proves his innocence.

The operation—we might say the cruelty—of this law is distressingly illustrated in the case of Mr. Robert Gourlay, at present a prisoner in a London House of Correction. Our readers will recollect that, about two years ago, Mr. Gourlay took upon himself the uncourteous task of horsewhipping Mr. Henry Brougham, in the lobby of the House of Commons; and, for this atrocious act—this sacrilege on the very portals of the temple, and before the eyes of the "collective wisdom" of this great empire—for this audacious and unpardonable breach of privilege, he was committed to the custody of a gentleman of whom we stand too much in awe to speak slightly, we mean the Serjeant-at-Arms. All this was right. The barrister's back was avenged: the culprit was punished to the full extent of the powers of the House; and the dignity of parliament was maintained. All this, therefore, was passing well.

But, at length, parliament was prorogued, and Mr. Gourlay was set

at liberty. He had no sooner, however, snuffed the fresh air of the Strand, on his way homeward, than he was seized, on the warrant of Sir Richard Birnie, as a dangerous lunatic, and conveyed, first, to Bow-street, and, subsequently, to the House of Correction, Cold-Bath-Fields. Upon what authority, it may be asked, did the magistrate of Bow-street act? This we are extremely curious to learn; for, unless he had been instructed by persons interested in the committal of Mr. Gourlay, as application had been made to him, it cannot be believed he would have voluntarily interfered. It is true, that certain medical practitioners averred, in a simple certificate, although they refused to affirm *on oath* that, in their judgement, Mr. Gourlay was insane. Others of Mr. Gourlay's neighbours and acquaintances, who had known him for years, from the time he first visited Wiltshire, till he defeated the Duke of Somerset, in the Court of Chancery, all declared the accused to be as sane in his intellects, as capable of conducting his own affairs, and as upright in his private transactions, as Mr. Brougham himself. Notwithstanding all this, the magistrate refuses to liberate him, except upon conditions the most absurd that can well be conceived—no less than an admission, on the part of Mr. Gourlay, that he is actually insane. The manner in which the unfortunate man rejects these conditions—the firmness with which he defends himself from the charges, are the best proofs of his sanity. Here, therefore, is the distressing predicament in which he is placed. If he finds bail to keep the peace, he tacitly admits the truth of the accusation: if he refuses so to stigmatize himself, he must end his days within the odious walls of a jail. There is no alternative. If he accepts the terms, he confesses himself a lunatic: if he rejects them, he must be a prisoner for life. Would it be credited that the statute-laws of England, which are applicable to every man, whatever may be his mental capacity, could interfere so arbitrarily with the liberty of the subject?

Extracted from the Devizes Gazette, April 6, 1826.

No. 62.

Sir Ronuld Ferguson presented a petition from the inhabitants of Scoonie, praying the liberation of Mr. Robert Gourlay, as a perfectly harmless individual.

Extracted from the Morning Chronicle, April 27, 1826.

Mr. Hume presented three petitions from parishes in the County of Fife, one of them signed wholly by females, in favour of Mr. Gourlay.

Extracted from a Newspaper of the same date.

No. 63.

We anticipated, from the first, that the people of Scotland would deter ministers from interfering with their system of banking. The Scotch banks are enormously rich; and *wealth is always successful in this country.*

LITERARY FUND.

The anniversary (the 37th) of the Literary Fund Society was held yesterday, at the Free Masons' Tavern; His Grace the Duke of Somerset in the chair, supported by Lord Glenorchy, Sir Wm. Clayton, Sir John Malcolm, Sir John Swynburne, Mr. Thomas Moore, and several other persons of distinction.

Non nobis Domine having been sung in the usual excellent style, by Messrs. Atkins, Colepeper, and Broadhurst, and Masters Bayley and Nichols, the Chairman proposed the health of the King—drank with three times three: song, *God save the King*. He next proposed the health of the Duke of York and the army: drank with three times three: song, *Hark!—hark! the Lark, &c.* The next toast was the Duke of Clarence, and the navy: drank, also, with the honours: song, *Rule Britannia*.

The health of the Duke of Somerset being given, with high commendation of the support which he had given to the Institution, was drank with all the honours.

The Duke of Somerset, in a few words, returned thanks, and stated that he was proud to pay every attention in his power to an institution of so very useful a nature as this, which had derived its greatest success from the exertions of many other men who had devoted much of their means and of their valuable time and talents to its support: song, *All a sheep shearing, &c.*

The Chairman then proposed the healths of the Vice-Presidents, which was received with all the honours. Sir Wm. Clayton returned thanks, &c.

The health of Mr. Hobhouse, M.P. Chairman of the Committee. The Society had, in the whole, about £20,000 in the 3 per Cents. and, out of £1,868, fifty-seven cases were relieved, many of which were very interesting.

Mr. Fitzgerrald recited a poem in praise of the Institution.

Mr. Sotheby highly praised the Institution. It penetrated into the darkest places.

Sir John Malcolm spoke of its administering relief in the delicate manner in which genius ought to be relieved, &c.

The health of Mr. Thomas Moore, &c.

The Duke of Somerset having retired, Sir John Malcolm kept up the conviviality some time longer.

Extracted from the Morning Chronicle, May 11, 1826.

NOTA BENE.

The above article has been extracted in the regular course of time: the following have been selected to complete the collection, and to be afterwards referred to in making remarks.

(From a Monthly Publication.)

Lord Eldon has one of the best-natured faces in the world; it is pleasant to meet him in the street, plodding along with an umbrella under his arm, without one particle of pride, of spleen, or discontent in his whole composition, void of offence, with almost rustic simplicity and honesty of appearance; a man that makes friends at first sight, and could hardly make enemies if he would; and whose only fault is that that he cannot say *NAY* to power, or subject himself to an unkind word or look from any he may deem higher than himself. He is a thorough Tory. Others boggle or are at fault in their career, or give back at a pinch; they split into different factions, have other objects to distract them; their private friendships or antipathies stand in their way; but he has never flinched, never gone back, never missed his way; he is an *OUT-AND-OUTER* in this respect; his allegiance has been without flaw, like "one entire and perfect chrysolite;" his implicit understanding is a kind of taffeta-lining to the crown, his servility has assumed an air of the most determined independence, and he has "read his history in the prince's eyes!" There has been no stretch of power attempted in his time that he has not seconded; no existing abuse, so absurd, of which he has not opposed the removal. He has gone the whole length of the most unpopular designs of every minister. When the heavy artillery of interest, power, and prejudice is brought into the field, the paper-pellets of the brain go for nothing. His labyrinth of nice, lady-like doubts explodes like a mine of gunpowder. The Chancellor may weigh and falter—the courtier is decided, the politician is firm, and riveted to his place in the cabinet. On all the great questions that have divided the cabinet or public opinion, or agitated the public mind, the Chancellor has been found uniformly, and without a single exception, on the side of prerogative and power, and against every proposal for the advancement of freedom. He was a strenuous supporter of the wars and coalitions against the principles of liberty abroad; he has been equally zealous in urging or defending every act and infringement of the constitution for abridging it at home; he at the same time opposes every amelioration of the penal laws, on the alleged ground of his abhorrence of even the shadow of innovation; he has studiously set himself against Catholic emancipation; he laboured hard in his vocation to prevent the abolition of the Slave Trade; he was Attorney-General in the trials for High Treason, in 1794; and the other day, in giving his opinion on the Queen's Trial, shed tears, and protested his innocence before God! This was natural and to be expected; but on all occasions he is to be found at his post, true to the side of prejudice, to power, to the will of others, and to his own interest. In the whole of his public career, and with all his goodness of disposition, he has not shown "so small a drop of pity as a wren's eye." He seems to be on his guard against every thing liberal, as his weak side. Others relax in their obsequiousness, either from satiety or disgust, or a hankering after popularity, or a wish to be thought above

narrow prejudices. But the Chancellor alone is fixed and immovable. Is it want of understanding or of principle? No; it is want of imagination, a phlegmatic habit, an excess of false complaisance and good nature. Humanity and justice are no better than vague terms to him: he acts upon his immediate feelings and least irksome impulses. The king's hand is velvet to the touch; the woolsack is a seat of honour and profit. That is all he knows about the matter. As to abstract metaphysical calculations, the ox that stands staring at the corner of the street troubles his head as much about them as he does; yet this last is a very good kind of animal, with no harm or spite in him, unless he is goaded on to mischief, and then it is necessary to keep out of his way, or warn others against him!

Extracted from the Devizes Gazette, June, 1824.

No. 65.

Our table is loaded with the complaints of worn-out and ruined heads of families, against Lord Chancellor Eldon, and the Court which he overhangs, as it were a perennial nightmare. Neither public opinion, nor parliamentary inquiry, nor the sense of right, nor the feelings of humanity, nor the promised approach of an event which levels all ranks, and crushes all perverted powers, and punishes all transgressions, whether negative or positive, seem to penetrate that case-hardened fortress in which the spirit of Chancery has for almost a fourth part of a hundred years enthroned itself. No cries of distress can melt it—all mortal arms rebound from its adamant surface—neither moth nor mould have yet impaired its vigor; but Time, the consumer of all else beneath the sun, is himself devoured by the everlasting demon of the woolsack. It is vain and foolish to talk of the Court of Chancery as of an abstract thing, which involves no personal considerations. That Court is identified with one living—we had almost said one immortal—man. Its abuses have all sprung to their full enormity under him. If he has not produced, he has reared, cherished, and protected them. Never did parent discover such impartial fondness for the several members of the most multifarious brood, as does the Chief of our Equity Courts, for even the most minute, most offensive, and unsightly of his begotten or adopted progeny. When accused, no matter what the complaint or who may be the assailant, no wild animal ever defended her young with more unreasoning and reckless animosity than does the father of English "Equitable Jurisdictions" the various vices with which they and their ministers stand charged. So hopeless seems a reform in Chancery, that the very commission for exposing the corruptions of that Court is itself tainted with them from top to bottom. When Mr. Williams made his first motion for inquiry, it took twelve months to get a cause heard, even in the Court of the Vice-Chancellor, from the time of getting it into the paper. Now, it can hardly come before his honour in less than two years and a half or three years. The Master of the Rolls now and then hears some motions, and does little or nothing more; but before my lord himself, an infant may grow "from the cradle to the crutch," between the putting him down for hearing, and sending away his cause decided.

The heartbroken suitors are struck mute and powerless, and have lost, in many instances, even to the faculty of murmuring at their unworthy fate. It is from parliament alone that any good can be extracted, or obstinacy in one man, and fraud in others, prevented from sweeping away, unredressed and unresisting, a fourth part of the present generation.

The amount of property too, as well as the treatment it receives, ought to be gravely looked at by parliament. There is little less than forty millions of money locked up in this Tartarus, and enclosed by the brazen gates of Chancery, from which that which once enters is never seen to return—"Nulla vestigia retrorsum." Even of the treasure so deposited, the interest, it appears, is not regularly paid. We have before us declarations from persons whose *all* is in the hands of the "Accountant-General" of the Court of Chancery, and who have not yet received the Michaelmas dividend from the Bank, because, it is surmised, the officers of the Accountant-General are shooting, or otherwise amusing themselves. This is very cruel, yet might be very easily reformed. But taking the tribunals of Chancery as a whole, we ask, can any honest man in the community point out an evil to compare with them? What man, or woman, or infant child in the empire, above the ranks of mere paupers, has not felt the sting of this tremendous power? What have the Catholics, as Catholics, to plead in the way of wrongs, compared with those of a Chancery suitor? What has the poor man who only begs from his parish to complain of, in comparison with him whose bread was snatched from his lips, who has the pangs of memory superadded to those of want, and who sees the depredators upon his unfortunate children clothed in the reverend drapery of justice? Talk of pledges for or against the Catholic question—of pledges against the Corn-laws, or in favour of parliamentary reform, but give us the Member of the House of Commons who pledges himself to vote on all occasions for a reform of Lord Eldon's Court.

Extracted from the Times, November, 1825.

No. 66.

To be Published by Subscription, Price Five Shillings.

(See the Title Page.)

MR. GOURLAY, though deprived of all property, by unparalleled persecution, does not require Subscribers to enable him to print this work, for it is nearly-completed: neither does he wish to make money by these means; but, he is extremely anxious to draw attention to his most extraordinary and cruel case, which concerns every British subject, and is, unhappily, much misunderstood, while a powerful host is opposed to disclosure,—a host which no single individual can possibly withstand. Should he be so fortunate as to secure the attention of generous spirits, who will not tamely see oppression triumph, he means to extend explanation, and feels confident that, with such assistance, he will, in the end, gain a victory, not only vitally important to himself, but big with valuable results to the nation,

Situated as he now is, Mr. G. cannot give this advertisement that wide circulation which he wishes it to have; but will be truly thankful should friends extend publication in newspapers, or otherwise. Any four Subscribers, or more, furnishing Mr. G. with their address, direct, shall have copies of the book forwarded to them as soon as completed.

(See No. 52.)

Names of Subscribers. Parish wherein resident.

CIRCULAR

TO THE PEOPLE OF FIFE.

SIR,—The publishers of the Fife Herald having denied me the common privilege of advertising in that paper, I was driven to the necessity of desiring the above to be posted on churches throughout the county: and it is now proper to mark the spirit of refusal.

To quash suspicion that doubt as to payment was entertained, I have first to state that Mr. Tullis is my debtor, of which he was reminded more than a year ago, and again last December; nor will he deny that the debt is ten times the amount of any charge which could be made for publishing the above in the Fife Herald.

It was not dread then of nonpayment, but dread less creditable, which caused denial—dread of giving offence to men who domineer in the county. Sir, it is pitiful, and worse than pitiful, it is base, and justly demands your gravest consideration. Look to the advertisement, and say what could be more harmless; say if the columns of a newspaper, fostered by the public, should be shut against a mere business affair? This point settled, think of my object; think that I only wish to have my cruel case stated;—think that the refusal in question went to bar me from a hearing by my oldest friends: think of the nature of my complaint,—of a dread conspiracy to blast my reputation for ever—to cast me out on the world as a person of unsound mind, and to entail the direst curse on my progeny. Think that this attempt is made after I have been robbed of my property in England, and unjustly banished from it in Canada: I, who was bred to no regular profession, and am now in the forty-eighth year of my age:—think, oh think, of the remorseless and cowardly spirit which would stifle the voice of the fallen, and extinguish the last hope of sympathy for deliverance from such evils as these.

Let it not be supposed that I point to an individual—to Mr. Tullis. He is but one of the publishers,—a tradesman, who, in duty to his family, must be cautious. I point not even to the corps of publishers, mean as their conduct may be; but to the Leviathan of installed power, which broods over them,—jealous of liberty—jealous of truth—jealous of all that is good;—that grovelling, narrow-minded spirit (I mean nothing embodied) which said to me, eighteen years ago, "*you should consider yourself as one of us*:"—that besotted overbearing monster of ignorance, which then first startled me into thought, and has ever since kept me thoughtful, aloof from party, and resolute for the common weal.

I have declared myself proud of being a native of Fife; and I am so. I have said that my father was a magistrate upwards of twenty years, and twice that period the most zealous improver:—who will deny it? Can the county be traversed in any direction, but over roads which he was most active in forming? Can the eye be turned to either hand, from its centre, and not behold hills, waving with wood, of his planting? Are not thousands of industrious people yet alive who earned bread from his liberal employment? But, he was unfortunate:—yes, to my knowledge, he was assailed by villainy, cheated, and cruelly torn to pieces in old age—

“Deserted in his utmost need

“By those his bounty often fed!”

Could the man, who for fifty years in business, never miscounted a figure; who made the best bargains and most judicious improvements; whose crops were uniformly the most luxuriant; whose character, for probity, remains unimpeached; who was, in all things regular, steady, and persevering; who was no way extravagant, neither he nor his family;—could such a man be ruined but by foul play?—No, it is impossible; though to me only can the infernal machinations of revengeful power be fully known. I, Sir, have been blamed for my father's ruin; but it was quite the reverse. He was, indeed, beset because of my principles; but of these I am proud, and to these shall I adhere till the latest hour. There are mistakes abroad as to my principles: they are truly constitutional. Even my earliest effusion—my letter to Lord Kellie, was sound in principle: ay, and it was prophetic. See it now as to the downfall of Napoleon, the effects of peace, the late agricultural distress, and, the present panic from “*a delusive system of finance.*” Could I have roused my father to a sense of impending danger, it might have been well; but as it is, I shall call it better, even with myself, unhardened, unhoused, and in jail. A purer spirit than my father's never walked the earth. He is gone;—he who commanded five votes in the county, leaving not even a wreck of property behind; but I am contented. Seventeen years ago I exclaimed “*blessed adversity, I could almost worship thee,*” and blessed, indeed, has it proved. Adversity has rid me of care, strengthened my arm, brightened my ideas, and purified my heart. It shall yet be my task to demonstrate that wealth is not all in all: that virtue may be paramount; and that an honest man, even penniless, has nothing to fear.

I have said that I long to return home,—long to rejoin my family; and that I am anxious yet to stand high in public opinion. It is most true. My intention, when free, is to visit Fifeshire and perambulate every part of it, for every part of it is dear to my warmest recollections. Cheerfully shall I take friends by the hand, and sternly look men in the face who would “*watch my motions,*” and, at last, consign me to Bedlam. Yes, steadfastly shall I yet tread on the land of my ancestors, and happily fix my abode there, surrounded by my children.

Inhabitants of Ceres Parish, (both male and female,) Forgan, Ferryport-on-craig, and Scoonie, besides those of many parishes in Wiltshire, having, last year, petitioned Parliament in my behalf, I now earnestly solicit a renewal of good offices, and with petitions from every parish of my native county, success will be certain. I have most valuable infor-

this, what could I have said to disprove such averments, false and deceitful in the extreme? Mr. Brougham had every advantage: his veracity was unsuspected: he spoke when there was no one to contradict; and in a corps where all sympathised with him. He had already raised the report that I was mad: he had had time to study his part, and could readily perceive that tact alone was wanted to rivet conviction. Accordingly, till the present hour, nothing more has been required to brand me as insane, and sustain him before the public as immaculate. The moment that he, with the instinctive cunning of a practised lawyer, made me appear in the lobby as an object of pity and of unsound mind, that moment a voice loudly proclaimed that I was mad, and from that moment the world, ever ready to triumph, was against me. Henceforward, no ordinary mind could have withstood the tide of ignominy; far less have retained vigour at the end of two years' imprisonment to beat down the traducer, which I most assuredly shall do. Yes, so far as Mr. Brougham is concerned, I shall assert that victory is mine, even here in durance;—that detection, and disgrace, and infamy, await the man who could first unfeelingly betray, and then, more unfeelingly, consign a fellow-creature to destruction.

It was thought by many that Mr. Brougham would, in compassion, plead for me during the session of 1825, as well as call attention to the statute 39 and 40 Geo. III. c. 24; but these persons knew little of human nature trained and hardened in the school of Machiavel. During that session, we find him only declaring off from having any thing to do with "Mr. Gourlay's present confinement," affecting pity for "the poor gentleman," and mis-directing attention, by speaking of my petition as one "regarding the education of the poor." During the session just now closed, thinking me down for ever, he has, knowingly, remained silent.

A man who has been horsewhipped and waives damages for corporeal hurt, naturally lessens the injury: so we find Mr. Brougham declaring that he felt something *twice*. I suffered him to pass near the entry to the House of Lords: followed him quietly up stairs, and, just as he reached the first pillar in

curate information could be obtained respecting the state of his mind. In suggesting this delay, he hoped the Honourable Gentleman would not think it proceeded from any insensibility or indifference to the extent of the outrage, or from any disrespect towards him.

Mr. Brougham. As far as regards me, I am satisfied of his derangement, or something tantamount to it; but I have had no communication with him these three years.

Mr. Canning. Then, as the individual is now in custody, it is understood that proceedings are only deferred.

The Speaker. I understand that, the individual being now in custody, he stands committed till the pleasure of the House be known.

the lobby, applied the whip to his shoulders as calmly as ever I chastised a child. Gook, the constable, willing to aggravate, swelled the account to "five or six smart blows;" but they were precisely three, and just sufficient to be felt. As it was politic for Mr. Brougham to reckon the blows less by one, so it was further advisable to lengthen the period since our last interview, and twice over he speaks of *three* years, whereas it was not yet two since he had presented my petitions, and not one since I had by letter accused him of treachery. He states that he had been told that I was occasionally deranged; but what was this but a masterly insinuation to impose on his hearers? Where is his informant; and what is his proof? Few have been more before the public in trying situations than myself. I am personally known in a wider circle than Mr. Brougham: have spoken, and written, and done, a great deal on both sides of the Atlantic: but neither from word nor deed of mine can the slightest proof be adduced of insanity at any one moment of time. Suffering for years from nervous disease, I guarded against usual consequences by means which not one of a thousand would have had resolution for; of which I shall ever boast, and of which I have freely spoken. It was necessary to describe my situation when brought into court, at Niagara, after long and cruel confinement. This I did in a circular (A 2) sent to every member of the House of Commons, and again, in my Petition (A 6), entrusted to Mr. Brougham. In the former, it was stated that the action of the fresh air "*produced the effect of intoxication.*" In the second, that my "*faculties entirely forsook me.*" This was describing as nearly as possible my helpless condition; yet, by no means acknowledging insanity: and, if it had, how shameful for a Member of Parliament to let it be recorded that a British subject was driven mad by colonial oppression, without a word spoken in his behalf. The truth is, Mr. Brougham got up his story of insanity to cheapen the affront of horse-whipping; and, seeing the success of his expedient, we must give him credit as a man of the world. Up to this time he has gained his point; but if twenty years are added to these two last of imprisonment, I shall be immovable in my opinion of his conduct, and ever ready to look him in the face, with accusation of treachery and falsehood of the most malicious kind superadded.

The pretence that my petition could be presented as matter of courtesy, is most of all unblushing. No one can peruse it, and think so for a moment: but, by looking back on No. 15, we may see how the public were led into error as to this. The Editor of The Times, directed by the declaration of Mr. Brougham, that my petition was presented by him *three* years ago, turns

up the journals of 1821, discovers a petition there, presented for me by Sir James Mackintosh, as mere matter of record, (A 4)—sees nothing in that petition which required immediate attention; runs on with groundless assertions in every line, and then, with utmost confidence, infers that “clearer proof” cannot be supplied of the unhappy condition of Mr. Gourlay’s mind. He labours under a complete delusion, the ground of his assault on Mr. Brougham having no existence “except in his own imagination.” This is a fine specimen of newspaper authority and argument. Every assumption is untrue, every assertion is false, every conclusion is scandalous, while the public could not doubt that the whole was strictly correct. This is the way that I have been traduced, and put to the torture for two years, in the centre of the British capital.

The petition entrusted to Mr. Brougham was first drawn up in the simplest form possible, and merely for the purpose of bringing forward witnesses. It thus required no oratory to support its prayer; and I asked Sir Ronald Ferguson to do the business, because he was from my native county. Unluckily, he committed it to Mr. Brougham, who, for special reasons, was the last man I would have applied to. Mr. B. invited me to his house: shook hands again and again: seemed to take a warm interest in my behalf; and gave me hope by recommending that the petition should be amplified, that he would make a motion, not only for the appearance of my witnesses but for a general inquiry into the state of Upper Canada. I called on him repeatedly, walked with him one day from Hill-street to Piccadilly, conversing all the way on the subject, and he then proposed to give me a seat under the gallery, that I might the better hear him advocate my cause. His delay and the dreadful anxiety which then hung on my mind induced me to write from time to time. The letters (in the Appendix B, 19, 20, 21, and 26) will best speak as to this; and I entreat that these may be most particularly attended to while the whole correspondence lodged with Sir Ronald Ferguson is perused. From these letters, Mr. Brougham knew that my all was at stake; that life itself was not held so desirable as my wish to get clear of the taint of unjust banishment. He had my inmost thoughts poured forth; my situation declared; my poignant feelings expressed; yet became altogether callous; till at last, after days, and weeks, and months, he ran from his engagement, and was out of my sight before it was possible for me to obtain a personal interview. Let but the letters be read, and sure I am his conduct must be adjudged cruel, unfeeling, and treacherous.

Having said this, I wish it to be understood that nothing in

the letters referred to determined the dernier resort of horse-whipping. Nothing of this kind was contemplated till after my packet of correspondence was lodged with Sir Ronald Ferguson. That sprung from accident, considerations and feelings of a different nature entirely from any that possibly can be imagined. At present, it is unnecessary to explain as to this, or more particularly regarding the reasons for Mr. Brougham's treachery; but if required I shall willingly tell all, and would even unveil the paper spoken of, in No. 11, before witnesses, and publish its contents, there being no longer occasion for keeping any thing secret.

I am now to pause, till it is known whether the public cares at all for me or my very dreadful trials;—whether I am to pine for life, unheard, robbed of my property, robbed of my rights as a British subject, and finally robbed of my reputation. That I have been able hitherto to keep my spirits buoyant passes understanding; but so it is, and I am thankful for it. This, however, I shall say, that if hope of obtaining justice was extinct, I would prefer death to perpetual imprisonment. Many a poor creature, unable to make his case known, has, no doubt, thus suffered;—has been shut up as mad, even to gratify the lust of power in the breast of relations; and my Appendix (A 24) affords proof that such disposition has been manifested towards me. It is loathsome; and, as my last request, I shall say, what has been said before, “*protect me from my friends, and I shall defend myself from my enemies.*”

We are told that “the heart of man is deceitful above all things, and desperately wicked.” It may be so; but they who knew nothing of astronomy were, perhaps, alike ignorant of animal economy, and the nervous system—of sympathies and antipathies, uncontrollable by the will. My first care after arrest, in the lobby of the House of Commons, was to despatch letters to my sisters in Edinburgh and Glasgow, guarding them against alarm. Alarm, however, prevailed, and till this hour, panic-struck with parliamentary speeches, doctors' oaths, and the array of angry power, they have been unable to recover, so as to communicate directly with me,—certainly, from no want of regard, but the reverse. This is the melancholy part of my case, and I can only repeat that, being at ease under such calamity, passes understanding.

A VOICE FROM PRISON.

GENTLEMEN OF WESTMORLAND!

This may not reach you; and if it does, may be disregarded. Still it shall be despatched;—still, seeing that Mr. Brougham offers to represent you in parliament, let it be remembered that, on the 11th of June, 1824, I laid a horsewhip over his shoulders, in the lobby of the House of Commons.

Gentlemen,—There is not in England an individual who would more unwillingly act such a part than me: not one. I did it, however, in token of utter contempt of him who now solicits your votes—contempt, which words could not express. I did it after long and serious consideration: I did it in duty to myself, my family, and my country: I did it with advice of a friend, and shall never repent of the deed.

Gentlemen!—Mr. Brougham betrayed me in the cruellest manner, and has since triumphed by fabricating the most malicious scandal. He received my card after horsewhipping; but, to cheapen the affront, raised a report in the lobby that I was mad, and confirmed that report in the body of the House so completely as to procure an oath in justification—an oath on which alone I have been imprisoned these two years, without trial—an oath which has imposed a belief of insanity so overwhelming as wholly to blast my hopes in the world.

Gentlemen!—Proof of Mr. Brougham's cruel, unfeeling, and treacherous conduct to me, was lodged with Sir Ronald Ferguson ten months before the horsewhipping; and that proof may be had of booksellers in a few days hence. Pause, then, before you give your votes; and of all things take care that you choose an honest man to represent you in parliament—one who has a heart as well as a head.

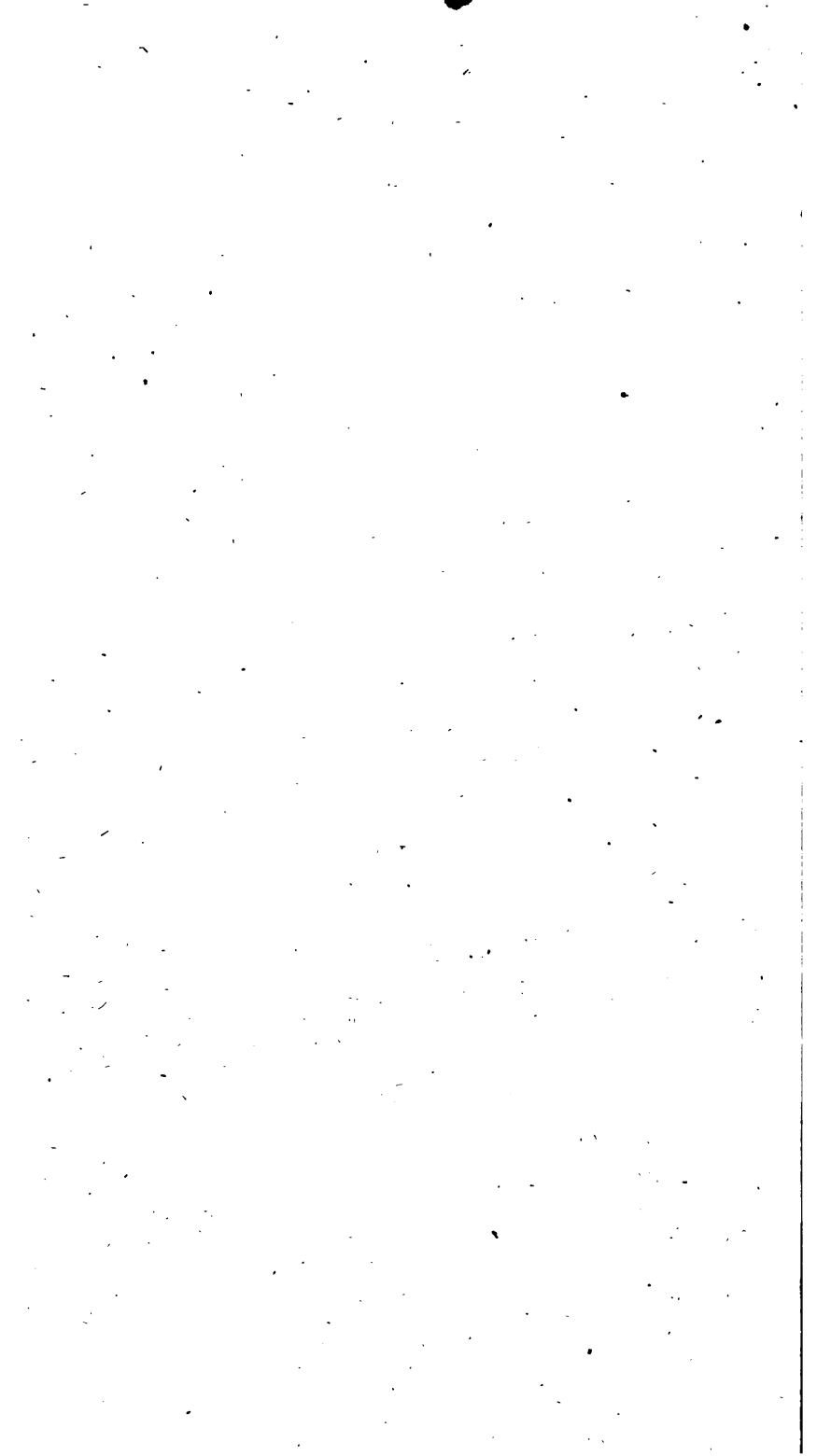
Your obedient servant,

ROBT. GOURLAY.

House of Correction, Cold-Bath-Fields, June 8, 1826.

The above was published in JOHN BULL, June 11, 1826, with some omissions and alterations by the Editor:—also, remarks as to my *wild* work in Canada, giving wrong impressions:—otherwise very well.





APPENDIX.

(A. 1.)

*To His Most Excellent Majesty George the Fourth, Sovereign
of the United Kingdom of Great Britain and Ireland,
&c. &c. &c.*

London, December 3, 1824.

SIRE!

IT is five years this day since I landed in England, from Canada, whence I came home for the special purpose of communicating to the Supreme Government vast plans for public good, and to complain of mal-treatment experienced by me in the Upper Province;—objects of which I have never lost sight, and which have mainly engaged my attention throughout these five years.

My first step was to put into the hands of every Member of the House of Commons a brief statement of facts prior to petitioning that house, which I did in July, 1820; again, in June 1821; and a third time in February 1822: after which I had a Petition laid before your Majesty in Council, all to the same end.

There were then in London, two individuals who had witnessed the last of my three trials in Upper Canada, and who were ready to give evidence that I was then unfit for self-defence, being weakened with long, and cruel, and unnecessary confinement. A petition was put into the hands of Mr. Brougham, for the special purpose of bringing forward these witnesses. It was corrected by himself, declared by him sufficient; and being then fairly engrossed, was committed to his care the 8th May, 1822. Mr. Brougham pledged himself in the most solemn manner to do justice to this petition. He kept me waiting in the utmost solicitude from day to day, from week to week, and from month to month, till at last, on the 18th of July, when hope was at the highest pitch, he flung my Petition before Parliament only to abandon it and leave me to despair. After this I had a Petition presented *pro forma* to the House of Lords; and in August, 1822, addressed a letter to your Majesty in Edinburgh. This done, and all to no avail, my mental powers were exhausted; and by extraordinary efforts only was my life and reason preserved. Strength being regained, I pleaded my own cause before the Lord Chancellor, against the Duke of Somerset; beat my opponent out of Chancery, and gained a provision for my children, against an appeal in the House of Lords.

I addressed a second letter to your Majesty, on the first of May last, and allowed that month for a hearing. Being informed when the period expired that your Majesty had "*not been pleased to signify any commands*" on a subject to which was staked the dearest interests of my family, my sacred honour, and the long cherished hope of being a public benefactor, I had recourse to the *dernier* resort—to a manifestation of force—*force* by which power is won, by which it must be maintained, and by which it may be taken away when incompetent. Sire! the law has authorized trial by battle. At your Majesty's coronation, challenge was proclaimed, and God himself has approved. In the lobby of the House of Commons, where riot could not possibly ensue, advisedly and deliberately, free of malice and every thought as to breach of privilege, I reminded Mr. Brougham of betrayal of duty. I merely put his honour to the test before God and my country; and in support of mine, am ever willing to hazard my life, daring the world to accuse me of aught mean, cowardly, or dishonourable. A year before hand, I acquainted Mr. Brougham, that he had betrayed me; and soon after put into the hands of Mr. Hume, a Petition bearing record of this, which he refused to present to Parliament—a Petition which was forthwith delivered to the Lord Chancellor, to be laid before His Majesty, with other documents, showing to what dreadful extremities I had been driven by misfortune and persecution. Sire! so cautious was I, as to conduct, that my intention was made known months before execution, and approved of by a friend. My principles, were then written down, subscribed to, and sealed: these principles I offered to unfold to any one Member of the Commons House of Parliament, in a letter to the Speaker; and these I will still unfold to any man of honour, whom your Majesty may be pleased to name, that his word may go forth to the world in my justification.

Sire! after two honourable acquittals, on jury trial, in Upper Canada from false charges, I was imprisoned eight months without benefit of bail, weakened and banished without the shadow of crime, from a country where I possessed, and still possess landed property, merely because an individual swore that I was seditious. For my conduct in the lobby of the House of Commons, I was confined two weeks, cruelly insulted and denied a hearing, on the opinion of two doctors, that I was of unsound mind, and afterwards committed to this receptacle for felons, where I have been upwards of five months without an accuser and denied trial, solely because the same men confirmed their opinion with an oath.—Sire! ignominious and corporeal suffering has ceased to disturb my peace, hopeful that manly endurance may purchase deliverance for the public as well as myself:—that these unparalleled persecutions may beget inquiry; and that inquiry may procure a curb for arbitrary power.—Sire! till this is obtained neither person, nor property, nor reputation is secure;—till this is obtained, your Majesty reigns not over freemen, but slaves.

Addressing the King, who can do no wrong, for the third time, I have yet hope: I ask no favour; I want naught but fair inquiry, and most earnestly entreat your Majesty to appoint a commission to

visit, examine, and assist me, if found worthy. I ask that this commission may, in the first place, peruse the statement above spoken of—Fourteen Petitions, written by me, presented to the House of Commons, and printed in its journals during the last four Sessions—my Petition to your Majesty in Council—my Petition to the House of Lords—a Petition addressed to the Lord High Chancellor, and papers committed to his Lordship's care, in August, 1823, together with this and my two former letters to your Majesty. These documents will not only speak for my soundness of mind, but evince its strength : they will show that throughout the greatest trials of adversity, I have ever kept in view plans for bettering the condition of the labouring poor, and for establishing a grand system of emigration in connexion therewith—objects of vital and pressing import to the peace, prosperity, and happiness of the nation.—Sire ! let me but have the assistance of a few liberal-minded men during the ensuing month of January, and I pledge myself to put these plans in shape for the investigation of Parliament against its sitting.

O ! Gracious Sovereign, let no unworthy contempt avert your countenance : let not narrow-minded and self-interested men persuade your Majesty to be indifferent to the call of honesty, from whencesoever it proceeds. Let not me, however fallen, and however low, be beneath your royal regard.—Remember that clemency is the brightest ray which can be emitted from the crown, and that Divinity hath condescended to converse with fallen man.—Remember that the British Sovereign reigns only for the happiness of his people ; —that power is held only in trust for them.—Remember that though banished from a province, I am yet your Majesty's subject :—that, though bodily imprisoned, my mind is yet free—my heart yet warm—my loyalty yet unshaken : that, I am here at home, not soliciting charity, but calling for *justice*, and acting on my *birthright*.

ROBERT GOURLAY.

*House of Correction,
Cold Bath Fields.*

REPLY.

Whitehall, 6th January, 1825.

Sir,

I am directed, by Mr. Secretary Peel, to acquaint you, that he has laid before the King your Petition, dated the 3d December, but not received at this office until the 3d instant ; and that he has not felt it consistent with his public duty, to advise His Majesty to give any directions thereon.

I am further to inform you, that nothing is now, or ever has been, during your present confinement, necessary for ensuring your discharge, except that you should find the security required by the act 39th and 40th George III.

I am, Sir,

Your most obedient humble Servant,
H. HOBHOUSE.

Mr. Robert Gourlay.

(A. 2.)

CIRCULAR.

TO MEMBERS OF THE IMPERIAL PARLIAMENT.

London, June 10, 1820.

SIR,

THE following Statement, with Documents, was offered for publication, last January, to several Newspaper Editors, both in Edinburgh and London. Immediately afterwards, the King's death, and consequent dissolution of Parliament, delaying the principal intention, the publication was not pressed.

On reviewing this Statement, after it has been written five months, I see nothing material in it to correct, and think it the best brief introduction to the business to which I now most earnestly solicit your attention.

The importance which I myself attach to this business may be estimated by the solemn assurance that I crossed the Atlantic for the express purpose of submitting it to the Prince and Parliament of Britain, and that I am now come up to town from Scotland solely with this view. It is not my individual interest which has urged me thus far. I, no doubt, shall be gratified if this can be advanced, or if I can have an opportunity of wiping off the stain so cruelly cast upon my reputation; but, before God, I declare that these are comparatively small objects when placed beside that which aims at maintaining, in my person, the abstract right and honour of a native-born British Subject. On this account, Sir, I am free in addressing you, and sanguine of having your assistance.

The Documents here produced will, I conceive, sufficiently put you in possession of the case; but I shall, with gladness, wait upon you any where, in town, to converse on the subject, or receive communications thereon, addressed to me at Cooper's Hotel, Bowyer-Street.

The Sketch of a Petition to the Commons House of Parliament is not that which I may ultimately adopt. It is here exhibited partly for the purpose of explaining my views and arguments—partly to give a lead to those who may be so friendly as to correct my errors or assist my endeavours. For like purposes I have also annexed a Sketch of a Petition to the King in Council.

You will observe in the Statement some bold assertions made by me as to the capabilities of Upper Canada; and, although I am desirous, in the first place, to have my particular case discussed, I wish it to be clearly understood that, up to this moment, I flinch not from any thing that I have said, and shall be willing, if called on, to give explanation as to the practicable fulfilment of my assertions at the bar of your House.

From the Morning Chronicle of 29th April last, I copy the following conversation held in the House of Commons, the day preceding.

"Lord A. Hamilton would suggest an emigration to our colonies in North America, as the most effectual means of mitigating distress.

" The Chancellor of the Exchequer said, His Majesty's Ministers were disposed to adopt every measure which could really contribute to the relief of the distresses of the labouring classes. Above 5000 persons had embraced the offers of Government and sailed for the Cape of Good Hope. With respect to the proposal of emigrating to North America, the Noble Lord was, perhaps, not fully aware of the present condition of persons who had actually gone there. So far from finding increased means of subsistence, the last accounts proved, that they had experienced a want of employment fully equal to that which existed in the most distressed manufacturing districts of this country. Government were disposed to give every facility to any practicable scheme for mitigating the distresses of the people; but, before they consigned them to a foreign shore, it would be prudent to ascertain how far their condition was likely to be improved. The North American Provinces of Great Britain had been so overloaded with emigrants, that the government of Canada had made the strongest remonstrances to this Government on the subject. He was not prepared to submit any plan to the House, and he repeated, that before the proposition of the Noble Lord were entertained, it would be wise to wait for some account of the progress of the colony of the Cape of Good Hope.

" Mr. Finlay said, that he, as well as the Noble Lord, had received applications from persons who were extremely anxious to emigrate, but who were wholly destitute of the means."

Now, Sir, I do assert, that, by proper management, the miseries experienced by emigrants going out to Canada might be averted; and that even people "destitute of means" could be comfortably settled there: in short, that plans could be adopted to realize every benefit to Canada and Britain which you will find mentioned below. Having said thus much, it remains for me only to subscribe myself,

Your fellow-subject and client,

ROBERT GOURLAY.

STATEMENT.

To Editors of British Newspapers.

Craigrothie, Fifeshire, Jan. 3, 1820.

GENTLEMEN,

I landed at Liverpool, from Quebec, the 2d December, and have since learned, that, during the last two years, my name has frequently appeared in your columns, connected with certain political movements in Upper Canada. By consulting the files of various newspapers, I have discovered that very great mistakes have pre-

vailed as to Canadian affairs, and that calumnies, both false and malignant, have been propagated with regard to me.

As a specimen of these, it has been published that I was "One of the worthies who escaped from Spa-fields;" and attempts have been made to impress a belief on the public mind, that my operations in Canada were connected with the schemes of Messrs. Cobbett and Hunt in England. The very contrary of all this is true.

In consequence of unavoidable change of fortune, I went out to Upper Canada, where I had many friends, in the summer of 1817, solely with a view to ascertain whether it would be prudent to remove my family thither. My intention of going there was announced more than a year before I set out, and my wish was not to be more than six months from home.

Though a sincere friend to parliamentary reform in this country, I had repeatedly published, before going abroad, my opinion of the impropriety of holding large irregular meetings for that purpose, and particularly reprobated those of Spa-fields. No man can show that I was ever connected in politics with a single individual in Britain; and it must be well remembered in Wiltshire, that I stood forward in opposition to Messrs. Cobbett and Hunt, at the county meeting held there in 1816, when their object was to run down the property-tax. So very decided and serious was I on that occasion, that I caused to be stuck up, in every corner of the county, a placard, declaring, that, "*by a well modified property-tax, and by that alone, could the country be preserved in peace.*"

In Upper Canada my efforts had no view whatever to a reform of Parliament. The people there have a perfect representation, and before long they will make a better use of it than they have hitherto done. Soon after my arrival in that country, I viewed it as the most desirable place of refuge for the redundant population of Britain, and I conceived schemes for promoting a grand system of emigration. Nothing could be more palpably innocent than my first proposals, yet they were opposed, and from reflections springing out of the nature of this opposition, I became convinced, that without parliamentary inquiry into the state of the Province, every effort towards liberal improvement would be futile and vain. I prolonged my stay till the meeting of the Provincial Parliament that I might press a reference of certain matters to the Prince and Parliament at home. A vote of inquiry was carried in the Commons House of Assembly; but immediately afterwards a dispute having arisen between that body and the Legislative Council, the Parliament was suddenly prorogued, its business unfinished.

At this juncture, and without the slightest idea of evil, I advised the people to raise a subscription, and send home Commissioners to intreat attention from the Throne to the affairs of the province. It was necessary to hold a meeting of deputies for the purpose in view, and to this meeting I inadvertently gave the name of *Convention*, a name in every-day use over America, and applied to all sorts of meetings, both civil and sacred. On this occasion, it proved to be—

———"A word of fear,
Unpleasant to the guilty ear"

The Executive of Upper Canada took alarm. In some districts, where the people had little information from newspapers, the most outrageous opposition was set on foot by creatures in office; and, to cause a general panic, I was twice arrested, and held to bail for appearance to answer charges of seditious libel.

Notwithstanding all this, respectable deputies were chosen throughout the greater part of the Province, and they met openly in Convention at York, the capital. By this time, the Duke of Richmond and his son-in-law, had been announced as Governor and Lieutenant-Governor of the Canadas. I conceived favourable impressions of their liberality, and judging that the agitation excited, could not fail to impress serious notions of the importance of *inquiry*, advised the Convention to refer its cause to the Lieutenant-Governor and General Assembly. After this, I stood two *trials*, and was twice honourably acquitted. The people were now sanguine that all would go well, when, to their astonishment, the Lieutenant-Governor having met the Parliament, hinted that sedition existed, and procured a law to prevent, in future, meetings by deputy. The discontent created by these measures, libelling the most loyal men, and without any proof of necessity circumscribing general liberty, was universal; yet, nothing more was resolved on by the people, but to clear the House of Assembly, at next election, of members who had balked their expectations. To me, who indulged the anxious hope of being allowed to develop my views, and point out a practicable plan, by which many thousands of the idle poor of England could be annually transported into Canada, with profit to the nation and comfort to themselves, the disappointment was cruelly provoking; but it was far from rendering me hopeless of ultimate success. I had resolved to establish myself in the Province as a land-agent, &c. and was now treating for a house in which to commence business, when, lo! I was arrested by the Sheriff, carried before a party of most virulent political enemies, and served with an order to quit the Province, merely because a wretch was found base enough to swear that I was a seditious person.

To have obeyed this order would have proved ruinous to the business for which, at great expense, and with much trouble, I had qualified myself: it would have been a tacit acknowledgement of guilt whereof I was unconscious: it would have been a surrender of the noblest British right: it would have been holding light my natural allegiance: it would have been a declaration that the Bill of Rights was a Bill of Wrongs. I resolved to endure any hardship rather than to submit voluntarily. Although I had written home that I meant to leave Canada for England in a few weeks, I now acquainted my family of the cruel delay, and stood my ground, till I was a second time arrested, and forthwith committed to remain in jail for eight months without bail or mainprize.

The impressions made on the public by this strange proceeding were such, that it was intimated from various quarters, that if I chose, the jail should be pulled down for my relief, a step, which of course, I opposed.

My enemies, now feeling that they had gone too far, laboured,

by artful addresses to the Lieutenant-Governor, to impress an opinion upon the public mind that some of my writings were seditious; but this conduct only exposed to fuller view the malevolence by which they were actuated. All hope of convicting me of crime seemed to die away, and, after three months' confinement, it was whispered that I should not be tried for sedition, but simply for not having obeyed the order to quit the Province. This I could not believe possible. In the mean time I instituted a suit for false imprisonment, and wrote off to various quarters for legal advice. From Montreal—from Edinburgh—from London, the replies of most respectable lawyers were uniform, that my imprisonment was illegal; and the late Sir Arthur Piggott declared, that not only should the Chief-Justice of Upper Canada have granted my liberty, applied for by writ of *Habeas Corpus*, but that a good action lay against the magistrates who had imprisoned me.

Among the matters which the Convention had in view was one to call the Royal attention to a promise held out to the Militia during war, that grants of land should be made to them in recompense for their extraordinary exertions. It had been the policy of the United States to hold out offers of land to their troops who invaded Canada,—offers, without which they could not have raised an army for that purpose, and these offers had been punctually and liberally fulfilled the moment that peace was restored. On the British side, three years had passed away without attention to a promise which the Canadian Militia kept in mind, not only as it concerned their interest, but their honour. While the Convention trusted the consideration of inquiry to the Lieutenant-Governor and Assembly, they ordered an address to be sent home to His Royal Highness the Prince Regent, as a matter of courtesy and respect, having annexed to it the rough sketch of an address originally intended to be borne home by a commission, in which sketch the neglect of giving land to the Militia was, among other matters, pointed out. This sketch, too, having been printed in America, found its way into British newspapers.

In June, 1819, the Lieutenant-Governor of Upper Canada summoned the Assembly to meet a second time, and, in his speech, notified that he had received an order from His Royal Highness the Prince Regent, to grant land to the Militia, but that he himself should think it proper to withhold such grant from those persons who had been members of convention. The injustice of this measure was instantly in the mouth of every one, and the very Sheriff who held me in charge scrupled not to signify how it would go should the Province again be invaded, while at that very moment it was thought by many that a war with the United States would grow out of the affair of Ambristier.

The members of convention had met at York prior to any law to prevent the meeting of delegates: they had met in compliance with the desire of many thousands of their fellow-subjects, and were wholly unconscious of evil: they were men of tried loyalty: they had held militia commissions during the war: some had been wounded, some had been taken prisoners, and all had behaved well.

Most of them owned more land than they could dispose of, and any gift of land could be to them a mere pledge of approbation for duty performed to their Sovereign and country. Several weeks passed away, while it was anxiously hoped that the Assembly would mark its disapprobation of the opening speech, but approval was at last carried by the speaker's vote, and the Legislative Council concurred in language the most direct and submissive.

To me such conduct seemed subversive of every hope that Upper Canada could be retained to Britain in the event of war, and to startle those who so thoughtlessly put it in jeopardy into a consideration of consequences, I seized my pen, and called on God to assist my endeavours. My writing, when published, was voted by the Assembly to be libel, and the Lieutenant-Governor was solicited to order prosecutions. The Editor of the Newspaper, who had had the assurance of a magistrate that he should not be molested while he had the manuscripts of authors to produce, and who was on this occasion wholly ignorant of what was printed in his office, being 150 miles from home, was seized in his bed during the middle of the night, hurried to Niagara Jail, and thence, next morning, to that of York, where he was detained many days out of the reach of friends to bail him. After this he was led round the country nearly a hundred miles, exposed to view as a malefactor of the worst kind, all clearly for the purpose of working unfavourable impressions against him; and, to be sure, he was finally convicted on a charge which, from its nature, the author alone was competent to repel.

My treatment was still more wantonly cruel. After two months' close confinement in one of the cells of the jail, my health had begun to suffer, and, on complaint of this, the liberty of walking through the passages and sitting at the door was granted. This liberty prevented my getting worse the four succeeding months, although I never enjoyed a day's health, but by the power of medicine. At the end of this period I was again locked up in the cell, cut off from all conversation with my friends, but through a hole in the door, while the jailer or under-sheriff watched what was said, and for some time both my attorney and magistrates of my acquaintance were denied admission to me. The quarter sessions were held soon after this severe and unconstitutional treatment commenced, and, on these occasions, it was the custom and duty of the grand jury to perambulate the jail, and see that all was right with the prisoners. I prepared a memorial for their consideration, but, on this occasion, was not visited. I complained to a magistrate through the door, who promised to mention my case to the chairman of the sessions, but the chairman happened to be brother of one of those who had signed my commitment, and the court broke up without my obtaining the smallest relief.

Exasperation of mind, now joined to the heat of the weather, which was excessive, rapidly wasted my health and impaired my faculties. I felt my memory sensibly affected, and could not connect my ideas through any length of reasoning, but by writing, which many days I was wholly unfitted for by the violence of continual

head-ach. Immediately before the sitting of the assizes the weather became cool, so that I was able to apply constantly for three days, and finish a written defence on every point likely to be questioned on the score of seditious libel. I also prepared a formal protest against any verdict which might pass against me, as subject to the statute, under colour of which I was confined.

It was again reported that I should be tried only as to the fact of refusing to leave the Province. A state of nervous irritability, of which I was not then sufficiently aware, deprived my mind of the power of reflection on the subject: I was seized with a fit of convulsive laughter, resolved not to defend such a suit, and was, perhaps, rejoiced that I might be even thus set at liberty from my horrible situation. On being called up for trial, the action of the fresh air, after six weeks' close confinement, produced the effect of intoxication. I had no control over my conduct, no sense of consequence, nor little other feeling but of ridicule and disgust for the court which countenanced such a trial. At one moment I had a desire to protest against the whole proceeding, but, forgetting that I had a written protest in my pocket, I struggled in vain to call to mind the word *protest*, and in another moment the whole train of ideas which led to the wish had vanished from my mind. When the verdict was returned, that I was guilty of having refused to leave the Province, I had forgot for what I was tried, and affronted a juryman by asking if it was for sedition.

Gentlemen, these are melancholy particulars, and so far as they concern myself only, I certainly should be inclined to conceal them. As they concern the legislation and spirit of governing in a British Province, I have thought it my duty to offer the consideration of them to the public prior to submitting the same to the Prince and Parliament of this country, for which purpose I more especially came home. It is my wish to return to Upper Canada, and to stand any fair trial for alleged crime: it is my wish to promote the settlement of that Province with British subjects; but what British subject of spirit would settle in a country where, in a moment, he may have to bow to arbitrary power, or be turned adrift in a foreign land, the sport of calumny, injured in health, and ruined in the fair expectations of doing well for his family?

I annex a copy of the statute under colour of which I was imprisoned and banished, together with the order served upon me to quit the Province, after having resided there more than a year.

When these documents are examined, in connexion with the above statement, I shall ask the public to consider whether there is not reason for instant parliamentary inquiry, and if such inquiry is instituted, I pledge myself to show that Upper Canada, instead of costing this country a large sum of money to maintain it, could yield annually a handsome revenue to the British Government: that, instead of remaining the poorest, it may speedily become the richest part of North America: that it may this very year give employment and bread to 50,000 of the poor inhabitants of Britain, and, for many years to come, afford annually a similar drain for redundant population:—lastly, that it may be made a permanent and secure

bulwark to the British empire, instead of being a lure to its invasion and downfall.

These, Gentlemen, are bold assertions; but they are not only bold; they are rational and sincere, and they proceed from a mind which has been devoted for two years to reflections on the subject—a mind which has sustained itself under every reasonable trial, and which has not yet entirely sunk beneath the most odious persecution.

ROBERT GOURLAY.

An Act for the better securing this Province against all Seditious Attempts or Designs to disturb the Tranquillity thereof. (Passed 9th March, 1804.)

WHEREAS, it is necessary to protect his Majesty's subjects of this Province from the insidious attempts or designs of evil-minded and seditious persons; and, whereas, much danger may arise to the public tranquillity thereof, from the unrestrained resort and residence of such persons therein: Be it therefore enacted, by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an act passed in the Parliament of Great Britain, intituled "An Act to repeal certain Parts of an Act passed in the fourteenth Year of his Majesty's Reign, intituled 'An Act for making more effectual Provisions for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same, That, from and after the passing of this Act, it shall and may be lawful for the Governor, Lieutenant-Governor, or persons administering the government of this Province, for the Members of the Legislative and Executive Councils, the Judges of his Majesty's Court of King's Bench, for the time being, respectively, or for any person or persons authorized in that behalf, by an instrument under the hand and seal of the Governor, Lieutenant-Governor, or person administering the government for the time being, or any one or more of them, jointly or separately, by warrant or warrants, under his or their hand and seal, or hands and seals, to arrest any person or persons not having been an inhabitant or inhabitants of this Province for the space of six months next preceding the date of such warrant or warrants, or not having taken the oath of allegiance to our Sovereign Lord the King, who, by words, actions, or other behaviour or conduct, hath or have endeavoured, or hath or have given just cause to sus-

Preamble.

Governor, &c. empowered to authorize certain persons to arrest offenders against this act.

pect that he, she, or they, is or are about to endeavour to alienate the minds of his Majesty's subjects of this Province from his person or government, or in anywise with a seditious intent to disturb the tranquillity thereof, to the end that such person or persons shall forthwith be brought before the said person or persons so granting such warrant or warrants against him, her, or them, or any other person or persons duly authorized to grant such warrant or warrants by virtue of this act; and if such person or persons not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance, shall not give to the person or persons so granting such warrant or warrants, or so authorized as aforesaid, before whom he, she, or they shall be brought, full and complete satisfaction that his, her, or their words, actions, conduct, or behaviour had no such tendency or were not intended to promote or encourage disaffection to his Majesty's person or government, it shall and may be lawful for each or any of the said persons so granting such warrant or warrants, or so authorized as aforesaid, and he and they is and are hereby required to deliver an order or orders, in writing, to such person or persons not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance requiring of him, her, or them, to depart this Province within a time to be limited by such order or orders, or if it shall be deemed expedient that he, she, or they should be permitted to remain in this Province, to require from him, her, or them, good and sufficient security, to the satisfaction of the person or persons acting under the authority hereby given, for his, her, or their good behaviour, during his, her, or their continuance therein.

Offenders
to depart
the Province
or give secu-
rity, &c.

Time for
Offenders
leaving the
Province
may be en-
larged.

II. And be it further enacted by the authority aforesaid, That if any person or persons, not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance, who, by any order or orders so delivered to him, her, or them, is or are required to depart this Province within a time limited by that order, should by sickness, or other impediment, be prevented from paying due obedience to the same, it shall and may be lawful for the person or persons who hath or have issued such order or orders as aforesaid, or for any other person or persons aforesaid authorized by this act so to do, (the person or persons acting under the authority hereby given, being first satisfied that such impediment by sickness, or otherwise, ought to be admitted as a reason for such order as aforesaid not having been obeyed,) by an indorsement in writing upon the said order or orders, or otherwise in writing to enlarge the time specified in the said order or orders, from time to time, as occasion may require; and if any person or persons so having been re-

quired or ordered to quit this Province as aforesaid, and not having obtained an enlargement of such time, in manner herein-before specified, shall be found at large therein, or return thereunto, after the time limited by any or either of such orders, without licence from the Governor, Lieutenant-Governor, or person administering the government for the time being in that behalf, or in case any person or persons who shall have been served with any or either of such order or orders as aforesaid, or who shall have been permitted to remain in this Province, upon such security as aforesaid, shall by words, actions, or otherwise, endeavour, or give just cause to suspect, that he, she, or they, is or are about to endeavour to alienate the minds of his Majesty's subjects of this Province from his person or government, or in anywise with a seditious intent to disturb the tranquillity thereof, it shall and may be lawful for any one or more of the said person or persons so authorized by this act as aforesaid, and he and they is and are hereby required by warrant or warrants under his or their hand and seal, or hands and seals, to commit such person or persons so remaining at large or returning to this Province without such licence as aforesaid, or so endeavouring, or giving cause to suspect, that he, she, or they, is or are about to endeavour so to alienate the minds of his Majesty's subjects of this Province, or in anywise with a seditious intent to disturb the tranquillity thereof, to the common jail, or to the custody of the Sheriff of the district, in such districts in which there shall be no jail at that time, there to remain, without bail or mainprize, unless delivered therefrom by special order from the Governor, Lieutenant-Governor, or person administering the government for the time being, until he, she, or they, can be prosecuted for such offence in his Majesty's Court of King's Bench, or of Oyer and Terminer and general jail delivery in this Province, or under any special commission of Oyer and Terminer to be issued by the Governor, Lieutenant-Governor, or person administering the government of this Province for the time being; and if such person or persons, not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance, shall be duly convicted of any of the offences herein-before described, in either of the said courts respectively, he, she, or they, shall be adjudged by such court forthwith to depart this Province, or to be imprisoned in the common jail, or be delivered over to the custody of the Sheriff in such districts in which there shall be no jail at that time for a time to be limited by such judgement, and at the expiration of that time, to depart this Province; and if such person or persons so convicted as aforesaid shall remain in this Province, or return thereinto, after the expiration of the time to be

If after security given persons give cause to suspect, &c.

Such person to be committed.

Punishment if convicted.

Proof to
lay on the
person
charged.

limited by the said judgement, without licence from the Governor, Lieutenant-Governor, or person administering the government for the time being, in that behalf first had and obtained, such person or persons, on being duly convicted of so remaining or returning, before either of the said courts, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy. Provided always, that if, in the execution of the powers hereby given, any question shall arise, touching or concerning the space of time during which any person or persons shall have been an inhabitant or inhabitants of this Province, previous to any warrant or warrants having been issued against him, her, or them, or touching or concerning the fact of any person or persons having taken such oath of allegiance, the proof shall, in all such cases, lay on the party or parties against whom any such warrant or warrants shall, in virtue of the powers hereby given, have been granted or issued.

If any per-
son suing
under colour
of this act
become
non-suited,
etc.

III. *And be it further enacted by the authority afore-* said, That if any person or persons, at any time shall be sued or prosecuted for any thing by him or them done in pursuance, or by colour of this act, or of any matter or thing therein contained, such action or prosecution shall be commenced within three calendar months next after the offence shall have been committed, and such person or persons may plead the general issue, and give the special matter in evidence for his, her, or their defence, and if, upon trial, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs, shall become non-suited, or shall discontinue his, her, or their suit, or prosecution, or if judgement be given for the defendant or defendants, upon demurrer or otherwise, such defendant or defendants shall have treble costs to him or them awarded against the plaintiff or plaintiffs.

Treble costs.

ORDER OF COMMITMENT.

George the Third, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c.

To our Sheriff of the District of Niagara, keeper of the Jail therein, or to the Jailer thereof, greeting.

WHEREAS, by an act of the Provincial Parliament of Upper Canada, passed in the forty-fourth year of our reign, intituled "An Act for the better securing this Province against all seditious Attempts or Designs to disturb the tranquillity thereof," it is enacted that [*here that part of the act recited which is printed above in italics.*]

And, whereas, we William Claus and William Dickson, each a

member of our Legislative Council of the said province of Upper Canada, duly authorised in and by virtue of the said act, did, on the information and complaint of Isaac Swayze, one of the members of the House of Assembly, on oath made before the said William Dickson, that one Robert Gourlay, now in the town of Niagara, in the County of Lincoln, in said Province, who, the said Isaac Swayze believes to have no particular or fixed place of residence, is an evil-minded and seditious person, and that the public tranquillity of said Province may be endangered by the unrestrained residence of such a person, and that the said Robert Gourlay, by words, actions, writings, and other behaviour, hath endeavoured, and is endeavouring to alienate the minds of our subjects in this Province from our person and government, and that the said Robert Gourlay, if in his power, from his language, words, and writings, is endeavouring to raise a rebellion against our government in this Province, and that Isaac Swayze verily believes that the said Robert Gourlay has not been an inhabitant for six months preceding the date of the said information, and had not, at the time of said information, taken the oath of allegiance to us: and whereas, a warrant was granted and tested in the name of the said William Dickson and William Claus, dated the 19th day of December, now last past, and directed to the Sheriff of our district of Niagara, requiring him to arrest the said Robert Gourlay, to the end, that he might be brought before the said William Dickson and William Claus, or either of them; and whereas the said Robert Gourlay was accordingly brought up before the said William Dickson and William Claus, on the 21st day of December, now last past, and being examined, touching the said information, and of and concerning his words, actions, conduct, and behaviour; he did not give full and complete satisfaction to the said William Dickson and the said William Claus, that his words, actions, conduct, and behaviour had no such tendency; on the contrary, that these were intended to promote disaffection to our person and government; and having given no satisfactory proof that he has been inhabitant of the said Province for the space of six months preceding the date of such warrant, nor did he prove that he had taken the oath of allegiance to us, as by the said act is mentioned; and whereas the said William Dickson and William Claus did thereupon deem it inexpedient under the provisions of the said act, that the said Robert Gourlay should be permitted to remain in this Province; and did adjudge that the said Robert Gourlay should depart this Province of Upper Canada; on or before the first day of January next ensuing, thereof, and was required so to depart this Province, by an order in writing to that effect, and personally delivered to him, at the Court House for said district, on the said 21st day of December, now last past.

And whereas information hath been given, that the said Robert Gourlay hath not departed this Province on or before the 1st day of January instant, the time limited in the said order in writing, but still abides and is at large therein.

These are therefore, in pursuance of the said before recited act, to authorise and require you, if the said Robert Gourlay shall be

found at large in your district, to commit him to the common jail thereof, there to remain without bail or mainprize, unless delivered therefrom, as the said act directs.

Witness, William Claus and William Dickson, Legislative Counsellors as aforesaid, under the hand and seal of each, this 4th day of January, in the year of our Lord, one thousand eight hundred and nineteen, and of our reign the fifty-ninth.

(Signed)

WILLIAM DICKSON,
WILLIAM CLAUS.

PROCESS TO PROCURE ENLARGEMENT.

To the Honourable William Dummer Powell, Chief Justice of the Court of King's Bench of Upper Canada, and the rest of the Justices of the said Court, or any one of them,

THE PETITION OF ROBERT GOURLAY, ESQ.

Humbly Showeth

That your Petitioner is now a prisoner in the Jail of Niagara District, by virtue of a Warrant of Commitment, whereof a copy is annexed.

That your Petitioner, humbly apprehending he is not a person of that description against whom such warrant can legally be issued, as he believes will fully appear from the Affidavits annexed, and, inasmuch as he has not heretofore been called upon, or had an opportunity of showing the fact, prays for a writ of *Habeas Corpus*, and, as bound in duty, will pray.

Dated at the Jail of Niagara, the 13th day of January, 1819.

(Signed)

ROBT. GOURLAY.

Witness, WM. KERR, }
JOHN MOFFATT. }

NOTE.

The following extracts from *Sir Michael Forster's Crown Law* are to the point, while investigating the legal and constitutional construction of the above provincial statute. They will show that the act refers to *local* not *natural* allegiance, and therefore cannot affect a natural-born subject. Page 60, 3d edition—"It is not in the power of any private subject, to shake off his allegiance and to transfer it to a foreign Prince. Nor is it in the power of any foreign Prince, by naturalizing or employing a subject of *Great Britain*, to dissolve the bond of allegiance between that subject and the crown."

Page 183. "With regard to natural-born subjects there can be no doubt. They owe allegiance to the Crown at all times and in all places. This is what we call *natural* allegiance in contra-distinction to that which is local. The duty of allegiance, whether natural or local, is founded in the relation the person standeth in to the Crown, and in the privileges he deriveth from that relation. Local allegiance is founded in the protection a foreigner enjoyeth for his person, his family, or effects, during his residence here; and it ceaseth whenever he withdraweth his family and effects. Natural allegiance is founded in the relation every man standeth in to the Crown, considered as the head of that society whereof he is *born a member*; and on the peculiar privileges he deriveth from that relation, which are, with great propriety, called his *birthright*. This birthright nothing but his own demerit can deprive him of: it is indefeasible and perpetual; and, consequently, the duty of allegiance, which ariseth out of it, and is inseparably connected with it, is, in consideration of law, likewise unalienable and perpetual."

Page 188. "Protection and allegiance are reciprocal obligations."

AFFIDAVITS.

District of } PETER HAMILTON, of the township of Niagara, in
Niagara, } the province of Upper Canada, maketh Oath and saith,
viz. } that he hath seen ROBERT GOURLAY, Esq. lately in
 the jail of this district, and that he knew the same person and his
 connexions and friends heretofore in Britain; and that he was there
 respected, esteemed, and taken to be a British subject; and that
 he is so this Deponent verily believes is notoriously true in this
 district.

(Signed)

P. H. HAMILTON.

Sworn before me, the 9th day of }
 January, 1819. }

ALEX. HAMILTON, J. P. }

Niagara } ROBERT GOURLAY maketh Oath and saith, that he is,
District, } by birth, a British subject, that he hath taken the Oath
viz. } of Allegiance to our Lord the present King of Great
 Britain, and that he has been an inhabitant of the province of
 Upper Canada now more than a year preceding the date of the war-
 rant first issued against him by the Hon. William Dickson and
 William Claus, Esq. and referred to in that whereof a copy is an-
 nexed.

(Signed)

ROBERT GOURLAY.

Sworn before me this 18th day }
 of January, 1819. }

(Signed) WM. J. KERR, J. P. }

District of } ROBERT HAMILTON, of Queenston, in said district,
Niagara, } Esq. maketh Oath and saith that ROBERT GOURLAY,
viz. } Esq. who is now confined in the jail of this district, has
 been domiciliated at Queenston, in the province of Upper Canada,
 more than nine months next preceding the date of this deposition;
 and this Deponent further maketh Oath and saith that he hath al-
 ways understood and verily believes the said ROBERT GOURLAY to
 be a natural born subject of Great Britain.

(Signed)

ROBERT HAMILTON.

Sworn before me, this 12th day }
 of January, 1819. }

(Signed) JAMES KERBY, J. P. }

WRIT OF HABEAS CORPUS.

Upper Canada, } GEORGE THE THIRD, by the Grace of God, of the
Home District, } United Kingdom of Great Britain and Ireland,
to wit. } King, Defender of the Faith, &c.

To the keeper of our Jail of Niagara greeting,—We command you
 that you have the body of ROBERT GOURLAY, Esq. detained in
 prison under your custody as it is said under safe and secure conduct,
 together with the day and cause of his being taken and detained by
 whatsoever name he may be called in the same, before the Hon. WM.
 DUMMER POWELL, our Chief Justice of our Province aforesaid, at
 his chambers, in York, in the Home District of our said Province

immediately after the receipt of this Writ, to do, submit, and receive all and singular those things which our Chief Justice shall then and there consider of him in this behalf, and have then there this Writ.—Witness, the Hon. DUMMER POWELL, our Chief Justice, aforesaid, at York, the twentieth day of January, in the fifty-ninth year of our reign.

Per statutum tricesimo primo Caroli Secundi regis.

(Signed) WM. DUMMER POWELL, C. J.

REMAND—indorsed on the back of the above Writ.

The within-named ROBERT GOURLAY being brought before me, at my chambers, at York, required to be admitted to bail,* as not being a person subject to the provisions of the Act of His Majesty, chap. 1; and the warrant of commitment appearing to be regular, according to the provisions of the Act which does not authorize bail or mainprize, the said ROBERT GOURLAY is hereby remanded to the custody of the sheriff of the district of Niagara, and the keeper of the jail therein, conformable to the said warrant of commitment.

(Signed) WM. DUMMER POWELL, C. J.

York, 8th February, 1819.

(A. 3.)

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled.

THE PETITION OF ROBERT GOURLAY.†

Humbly sheweth,

That your Petitioner is a native of the parish of Ceres, in the county of Fife, in Scotland, and thence conceives himself entitled to all the constitutional privileges of a British subject.

That your Petitioner was born to the inheritance of considerable landed estates, and did entertain, till the year 1815, fair hopes of independent fortune:—that then, in the thirty-eighth year of his age, being married and having five children, he found himself, by causes which he could neither foresee nor prevent, sunk into a state of precarious dependence:—that, after more than a year's reflection, he resolved to visit Upper Canada, where he had some landed property and many friends, to ascertain whether he might not, with propriety, remove his family thither:—that, after a few months' residence in that country, he was pleased with the natural excellence of its soil and climate—saw prospects of providing comfortably for his family, and cherished schemes for rendering Upper Canada a comfortable refuge for the redundant population of England:—that, to qualify himself the better to represent at home the true state of the Province, he resolved to prolong his stay, and by extended inquiry did greatly increase his knowledge of the actual state of its affairs.

* This is not correct.

† Presented by Sir James Mackintosh, 12th July, 1820.

That he then discovered political restraints on the prosperity of Upper Canada, which rendered it altogether inferior to the United States as a place of settlement, and such mismanagement on the part of the Executive government, with regard to emigrants from Britain, as blasted every hope, unless considerable changes could be effected.

That his first intention, after being fully apprized of these restraints, and this mismanagement, was to proceed home and state the truth to the ministers of this country; but doubtful of his individual representation being listened to, he recommended the inhabitants to petition their parliament for inquiry into the state of the Province, and for a commission to go home with the result to the Prince and Parliament of Britain:—that this measure was actually moved and carried in the Assembly, but a quarrel presently afterwards arising between the different branches of the legislature, parliament was hastily prorogued.

That, on this juncture, your Petitioner became more and more convinced of the great necessity of examination, addressed the inhabitants of the Province, and recommended them to raise a fund by subscription, for the purpose of sending home a Petition to His Royal Highness the Prince Regent, to solicit the appointment of a Commission from England for that purpose.

That this proposal giving great offence to certain persons in office, called down their resentment on your Petitioner, whom they caused to be twice arrested, and tried upon charges of seditious libel.

That your Petitioner being twice honourably acquitted, had then the fullest hope of succeeding in his purpose, by offering to lay before the Lieutenant-Governor, just arrived from England, his view of what was essential to the prosperity of the Province, when, to his astonishment, a party in power not only succeeded in exciting prejudices in the mind of the Lieutenant-Governor against your Petitioner, but wantonly libelled a great portion of the inhabitants, and had a law enacted, abridging public liberty, equally uncalled for, and odious to the great body of the people.

That your Petitioner was after this on the point of setting off for England, when a conspiracy was formed, between three of his most notorious political enemies, to ruin his character, and prevent his ever returning to Upper Canada. For this purpose, they pretended that your Petitioner was subject to a Provincial statute, (*a copy of which is herewith annexed,*) and which can only apply to aliens and outlaws; and one of them scrupling not to perjure himself, to afford grounds for procedure, they presented him with an order to quit the Province, upon his disobeying which, they had him arrested and committed to jail, (*the order being herewith annexed.*)

That your Petitioner being thus situated, applied for liberation by Writ of Habeas Corpus, (*the whole process being herewith annexed*); but being remanded to jail by the Chief Justice of the Province, was detained there for nearly three months.

That your Petitioner, in this melancholy predicament, had still the hope of clearing his character from the base imputations of his enemies, by a fair submission of their charges to the sense and feeling of a jury; and, in the mean time having taken the advice of Sir

than twenty years, he has made the subject of the English poor-laws a peculiar study.

That his attention was first rivetted to this study, from being employed by the Board of Agriculture in the years 1800 and 1801, to make inquiry in certain parts of England, as to the condition of the labouring poor, and into a practice which prevailed, of giving land for the keep of cows, by which they could live without parish aid.

That the inquiries of your Petitioner completely established the fact in question, according to the showing of the Board of Agriculture itself in 1816, under the title of "AGRICULTURAL STATE OF THE KINGDOM."

That the object of the Honourable Board, in ascertaining this fact, was to have introduced into a bill for a general enclosure of commons and waste lands, a clause, by which all poor people, who had rights of pasture, &c. upon such commons and wastes should each have secured to him a portion of land whereon he might keep a cow, and thereby be enabled to subsist without public relief.

That this general enclosure bill was laid aside; and that since then many hundreds of commons have been enclosed by local bills, without any attention to the claims of the poor, many thousands of whom have been unjustly deprived of their ancient rights of pasturage, &c.; and that this, among other causes, has contributed to the present dependence of English labourers on parish aid.

That your Petitioner, though he did not coincide in opinion with his employers in 1800 and 1801, as to the particular mode of proceeding, then proposed for the benefit of labourers, and the keeping down of poor-rates, was so much struck with the necessity of making great changes to avert the evils springing out of the English system of poor-laws, that he resolved to shape the course of his life so as to have opportunity fully to investigate the subject; and, in order to gain practical experience, did remove from Scotland, his native country, into England, chiefly with that view, and in the hope of being able to devise some remedy for the greatest of national evils. This he did in 1809, and for upwards of seven years devoted much attention to the subject.

That, after due consideration, your Petitioner became assured, that the first essential for a radical reform of the poor-laws, was the education of the rising generation.

That, however necessary this was, your Petitioner found that the system of the poor-laws had already completely formed a bar against the possibility of its being accomplished without the special interference of the legislature.

That your Petitioner, to gain attention to this subject, had a Petition presented to the Honourable House of Commons, the 30th of May, 1815.

That your Petitioner further discovered, that, through the action of poor-laws, labourers had been deprived of all property in houses and land; and being thereby rendered incapable of locomotion, were completely subjected to the will and caprice of farmers, overseers, and others.

That your Petitioner, in order to attract notice to this part of the business, and other matters of essential to the cure of the greatest of national maladies, had a Petition presented to the Honourable the House of Commons, the 28th of February, 1817.

That your Petitioner still saw, that, though all his proposals were adopted, that something more might be required, safely and effectually to accomplish the grand object of abolishing the system of the poor-laws, and that an artificial vent would be required for redundant population, during a series of years, while the process of reform was proceeding.

That, at this very time, an unexpected and extraordinary change of fortune, drove your Petitioner abroad to Upper Canada, to look out for a place of refuge for himself and family.

That your Petitioner being in Upper Canada, discovered that that country would afford the vent required for the redundant population of England, and upwards of three years ago he had sent home a communication to be laid before Lord Bathurst, intimating what he had then in contemplation.

That a singularly unfortunate train of events detained your Petitioner in Upper Canada, involved him in political discussion, exposed him to the most groundless scandal, subjected him to the most cruel persecution, finally ending in imprisonment and banishment from the Province, not only unmerited, but palpably illegal and unconstitutional.

That your Petitioner, notwithstanding that his health has suffered beyond all hope of repair, from ungracious treatment abroad, and that his spirits have been sunk with the most mournful calamities at home, has devoted all the efforts of a weakened mind up to the present time, to advance the vast object at which he has been so long aiming, and still aims.

That your Petitioner has become more and more solicitous for attention to his proposal and schemes for the reform of English poor-laws, and the giving vent to redundant population, since he has seen a bill introduced into your Honourable House, clearly drawn up without practical knowledge of the system of the poor-laws, or a due consideration of circumstances. (Mr. Scarlett's Bill.)

That your Petitioner has long considered the principle of population as laid down by Mr. Malthus, and on which Mr. Scarlett's bill seems to be founded, to be sound in the abstract; that he has long wished to see all need for poor-laws done away; and believes it perfectly possible that they may be entirely done away, with advantage as well to the poor as the rich. Yet, as circumstances stand, he is still more assured, that substantial benefits must be granted to the poor:—that they must have opportunity given them to acquire property and civil rights before their present rights of applying for public relief are encroached upon, or taken away:—he is assured that Mr. Scarlett's bill, as it now stands, would at once be insufficient and dangerous in execution; that it would certainly, if made into law, engender discontent, and lead on to general insurrection.

Your Petitioner most seriously entertaining this belief, filled with anxiety and alarm from the aspect of public affairs, and conscious

that wise and liberal measures may not only retrieve the country from jeopardy, but lay a foundation for its glorious security in the improved morals and better worldly circumstances of the lower orders of society, does humbly and earnestly entreat your Honourable House to pause and reflect well on the subject of the poor-laws.

Your Petitioner is willing to be called to the bar of your Honourable House, or before any Committee, to substantiate what he has set forth, and to enter into any required explanation of his pretensions, principles, and proposals.

He would more immediately intreat that the state of Upper Canada may be immediately taken into consideration, that preparations may this year be made to admit of a grand system of emigration being commenced by the following spring, in unison with a plan for reforming the poor-laws.

And your Petitioner will ever pray,
ROBERT GOURLAY.

June 16, 1821.

(A. 5.)

To the Honourable the Commons, &c.

THE PETITION OF ROBERT GOURLAY.*

Humbly sheweth,

That your Petitioner has had presented to your Honourable House two Petitions calling attention to the state of Upper Canada, as it concerns emigration. That these Petitions were received and ordered to be printed: one on the 12th July, 1820, the other on the 27th June, 1821; and to these your Petitioner would still refer.

That your Petitioner now presents himself before your Honourable House on broader grounds. He would now call attention not only to the state of Upper Canada, but to that of our North American Colonies in general,—Colonies which, since the revolutionary war of America, have been maintained at an enormous expense to this country, without yielding it a farthing of profit.

That, at the present crisis, when it is allowed by all, that economy and retrenchment are essential to the salvation of the empire, the mere saving of expense must be deemed matter of importance; but your Petitioner asserts that, not only may all expense in governing North American colonies be saved, but that these colonies may, if properly governed, yield a considerable revenue to Britain.

That your Petitioner's opinions on this subject have been formed not only from personal observation during a residence in Upper Canada, but from a continued correspondence since then with that part of the world; a constant attention to occurrences

* Presented by Mr. Hume, 27th February, 1822.

connected with the Colonies, and much reflection on the constitution thereof; the state of property and state of society therein.

That your Petitioner assumes it as an almost self-evident proposition, that North American Colonies cannot be retained to Britain for many years on principles less free and independent than those which govern the adjoining country. He is assured, that before many years go by, these colonies must either be declared independent, and be held in connexion with Britain by liberal treatment and the interchange of favours; or they must fall into the arms of the United States, and become part of that already too extensive and aspiring republic.

That your Petitioner is most positively assured that the latter alternative would not be agreeable to the wishes of the colonists; that the former, on every account, would be preferred, and is therefore worthy of countenance from the Imperial Parliament, as the result equally concerns the honour and the interest of the nation.

That your Petitioner is aware that the colonies are not yet ripe for independence,—that they are yet deficient both in physical strength and mental ability; but were the mere promise of independence at the end of ten years granted to them, he is assured that all chance of war would cease in that quarter of the world; and were certain arrangements made with the government of the United States, an immediate and great reduction of our military and naval establishments might take place, while a vast quantity of warlike stores might be spared for other useful purposes.

That there are two great objects which demand attention—objects quite sufficient to form the cement of a lasting connexion between Britain and her North American colonies without interference on the part of British ministers with their internal government. The first regards the disposal of public lands; the second, the regulation of commerce.

That the first of these objects, viz. the disposal of land is, of all things, perhaps most worthy of attention from your Honourable House. It is an object which never before has been brought fairly into public view; but which, when duly considered, must appear of great importance, not only as it may tend to national aggrandizement, but also be instrumental in advancing the limits of civilization, and in improving the condition of man.

That, hitherto, public land has been disposed of in a way which has at once sunk its value and prevented its improvement. No consideration has yet been bestowed on a most important principle, which not only rules the value of landed property, but which may be studied to advantage, for the comfort and prosperity of those who are to occupy and cultivate. In Canada, large portions of land are set aside for the future purposes of government: large portions of land are set aside for the maintenance of a dominant church which has not even a chance of being established; and large portions are given away in favour, and for fees of office to individuals who never think of cultivating, but who depend on sales at a remote period of time, while actual settlers are in consequence removed so far apart, that it is impossible for them to cultivate with economy and profit. The

bad effects of thus disposing of land is clearly evinced by contrasting Canada with the contiguous parts of the United States. These have been settled many years later than Canada, but already they are three times more populous, and land there is four times more valuable. These results have mainly sprung from the different modes of disposing of public lands. In the States, it is exposed to free sale at the rate of one dollar and a quarter per acre; and by the official returns of last year, produced a revenue of one million and six hundred thousand dollars. In Canada, the very process of disposing of land by government is attended with loss to the public.

That the most melancholy effect of the unthrifty disposal of land in Upper Canada, is that of degrading the people. Scattered over the Province at the rate of seven to the square mile, they have not only been unable to co-operate in rural economy, but have retrograded in civilization and moral worth. The British Parliament liberally conferred on the people of Upper Canada a free constitution—liberty to make laws for themselves, and to uphold the purest principles of freedom; but, in ignorance and degradation, they have abused these inestimable privileges: they have suffered the best of laws to be counteracted by the arbitrary power of their governors; and they have fabricated a code absolutely disgraceful to modern times. Neither person or property, indeed, can now be held secure in the Province.

That Upper Canada, by nature the finest part of America, is chiefly valuable to Britain as it may be made an asylum for her redundant population; but this greatest good cannot be realized from the wretched state of property, and still more wretched jurisprudence which there exists. Ignorant and poor emigrants only settle in Upper Canada, while all who have wealth and intelligence betake themselves to the United States.

That were public institutions equally good and equally well observed in the Provinces as in the States of America, not a man would emigrate from the United Kingdom to the latter country, unless attracted by some peculiar object: that the commercial advantages which Britain can and does confer on her Colonies; the comfort of adhering to natural allegiance; the love of country and kindred; the numerous benefits which British subjects are entitled to at home; the pride, the glory, the honour of remaining in connexion with the greatest nation upon earth—all conspire to make the British emigrant prefer the Colonies to an alien land; but, with heavy heart, he who thinks at all, must relinquish these for advantages still more valuable and substantial.

That your Petitioner observed with regret, the monstrous mismanagement in Upper Canada, and sent home communications to be laid before Lord Bathurst on the subject, but without avail: that he has within the last six months corresponded with the Colonial department; has offered to submit improved plans of settlement; has tendered his services at home or abroad without emolument; has offered to contract for the settlement of land in Canada, and pay for it at the rate of one dollar per acre, which, with government patronage, he could easily do; but all to no purpose; and he now states

these facts to your Honourable House, as matter worthy of public notice and investigation. Thousands of poor emigrants are annually shipped off to the Colonies: thousands are engulfed in misery when they get there, and all for the want of arrangement, which might at once secure comfort to individuals, and admit of profit to the nation.

That giving independence to the Colonies and withdrawing from all interference in their domestic government is quite compatible with our retaining the right of disposing of unappropriated land and drawing a revenue from thence: quite compatible with the Colonists remaining under British sovereignty. This country has the power of directing the current of emigration to any of her Colonies; and all property must improve in value as population becomes more dense and where judicious settlement is made. Hence, there is scope for mutual benefits: Colonies may grow strong from an increase of people; and the Mother Country may go on for ages reaping profit from the land she settles out of her redundant population.

That it would be vain for your Petitioner to enter at present into any detail as to his plans of emigration and settlement, a subject to which he has devoted his attention for several years. He refers to the fact now more and more the subject of conversation; the great increase of population consequent on good living and peaceful pursuits. He points to the vast expanse of unoccupied land over which it has pleased Providence that the British sceptre should sway. He points to Ireland overflowing with a wretched population; to England, getting more and more crowded with paupers; and to Scotland, whose moral energies have sent forth her millions of industrious and respectable people to replenish the earth: he asserts that our whole redundant population may be disposed of to individual as well as to public advantage;—that Britain may combine the efforts of her children, and direct a mighty and constant stream of emigration into her Colonies;—that she may set on foot a scheme of benevolence heretofore unparalleled;—that a new source of wealth and happiness may be laid open—a source at once pure and abundant.

That the second great object soliciting attention from your Honourable House, viz. the regulation of commerce, would go hand in hand with a grand system of emigration; and might be established on principles equally simple, natural, and permanent.

That your Petitioner holds in his possession official documents sent home from Upper Canada, by which it appears, that legislators of that country aim at imposing provincial duties throughout both the Canadas, on grain, &c. produced in the United States; and a similar desire has been evinced in resolutions of a county meeting of Upper Canada. That this disposition of the legislators of Upper Canada betrays equal ignorance of the policy which should be pursued, and of the impracticability of executing their wishes, seeing that along a boundary of upwards of a thousand miles, which separates the inhabited parts of the United States from British America, there is no possibility of guarding against contraband trade. Nay, from this

impossibility, Britain possesses the power of supplying the people of the United States with her manufactures free of those heavy duties which are now levied on them in the ports of the Republic.

That the best policy of Britain is to receive land produce at Quebec and other British American ports in exchange for our manufactures, without question as to origin. The grand benefit to be derived from possession of these ports rests in securing a monopoly of trade, and with liberal legislation this may be carried to an extent hitherto neither experienced nor contemplated. By liberal measures, the port of Quebec may speedily become the greatest in America, if not in the world—a port where we may give and receive to unlimited extent—a port holding out to us the power of reaping the utmost advantage from American trade, without any officious meddling with the domestic politics of that country—a port through which the parent state would be for ever able to nourish her progeny, and supply her customers—where the people of Britain and America would meet in the enjoyment of reciprocal accommodation.

That the late change in the law which regulates the timber trade, renders it more immediately necessary to attend to our Colonial and Shipping interests. Were liberal principles admitted; were the corn law amended, and free sale of grain and flour coming from our Colonies allowed in this country, on payment of a fixed duty, an instant revival of trade would be experienced; and by and by we should witness most beneficial consequences;—increased consumption and demand: rise of price, both at home and abroad: we should see confidence restored, and plenty going hand in hand with peace.

That, however necessary it was, under circumstances, to secure British farmers from ruin at the termination of war, it is now too certain, that the existing corn law must be modified or repealed. Looking forward to change, and supposing it necessary that a factitious state of things must be adhered to, your Petitioner humbly begs leave to submit his opinion, that no change could carry with it such beneficial results as the permission of free trade with our Colonies, on the payment of fixed duties. It would at once give a monopoly to our shipping, yield us a direct revenue, and secure and increase the value of our foreign possessions.

That your Petitioner has, in his hands, documents signed by many hundreds of the resident land owners of Upper Canada, from which it may be proved that wheat can now be grown in that country for 3s. per bushel, and he could show, that with certain changes in the state of property, in the power of the Imperial Parliament to make, wheat could be grown for 2s. per bushel.

That now, and for three years back, the cost of bringing wheat from Upper Canada to England has not exceeded 2s. per bushel; and that thus it may be afforded in British ports for 4s. per bushel. That a duty of 1s. 2s. 3s. or whatever sum may be found necessary to equalize the price with that which wheat grown at home must sell for, to admit of present taxes being paid, would be fair and reasonable; and, in proportion as the amount of duties increased, Government might free the British farmers of part of his load of taxation. The

American farmer would, from the sale of his produce at home be enabled to purchase British manufactures. British manufactures would thence multiply, and by increased consumption, would render the foreign supply of food, not only safe, but necessary. Nor could the supply coming from British Colonies be ever withheld. In war as in peace, its flow towards us would be constant and secure. What, indeed, has Britain to fear from famine, if she is liberal to her Colonies—if she suffers corn to be imported from British America, from the Cape of Good Hope, from New Holland and Van Dieman's Land, subject to equalizing duties?—It is a well-known fact, that hitherto the supply of grain and flour from America has never been great, in proportion to the amount of home growth; and at no time has importation from thence been disadvantageous to this country, but the reverse. Indeed all well-regulated trade with America must leave us a profit, inasmuch as it gives opportunity for our cheaper labour, and our superior industry and skill to exert itself, and earn its fair and natural reward.

That there are now in England some of the most respectable land-owners of Upper Canada, both of the British and Indian nations, who may be called to the bar of your Honourable House, or before any Committee, along with your Petitioner, who will substantiate the truth of what has been said above, and confirm the opinions of your Petitioner.

He therefore earnestly entreats that your Honourable House will take the whole into consideration, and institute inquiry into the state of Upper Canada and other Colonies of Britain.

And he will ever pray,

February 26, 1822.

ROBERT GOURLAY.

(A. 6.)

To the Honourable the Commons, &c.

THE PETITION OF ROBERT GOURLAY.*

Humbly sheweth,

That your Petitioner is a native of Fifeshire, in Scotland, and did entertain, till the year 1815, fair hopes of independent fortune: that, then in the 37th year of his age, being married and having five children, he found himself, by causes which he could neither foresee nor prevent, sunk into a state of precarious dependance:—that after more than a year's reflection, he resolved to visit Upper Canada, where he had some landed property and many friends, to ascertain whether he might not, with propriety, remove his family thither:—that, after a few months' residence in that country he was pleased with the natural excellence of its soil and climate, saw prospects of providing abundantly for his family, and cherished schemes for rendering Upper Canada a comfortable refuge for the redundant population of England. To qualify himself the better to represent at home the true state of the Province, he resolved to prolong his stay, and by

* Presented by Mr. Brougham, and ordered to be printed, July 18, 1822.

extended inquiry, did greatly increase his knowledge of the actual state of affairs. That he then discovered restraints on the prosperity of Upper Canada which rendered it altogether inferior to the United States as a place of settlement, and such mis-management on the part of the executive government with regard to emigrants from Britain, as blasted every hope of good, unless great changes could be effected. His first intention after being apprised of these restraints and this mismanagement, was to proceed home and state the truth to the ministers of this country (and he did send home letters on the subject, to be laid before Lord Bathurst, as well as a petition to the House of Commons, which was put into the hands of Mr. Douglas, one of its members); but doubtful of his individual representation being listened to, he recommended the inhabitants to petition their Parliament for inquiry into the state of the Province, and for a commission to go home with the result to the Prince and Parliament of Britain. This measure was actually moved and carried in the assembly, but a quarrel presently afterwards arising between the different branches of the legislature, the provincial Parliament was hastily prorogued. On this juncture, your Petitioner being more and more convinced of the great necessity for examination, addressed the inhabitants of the Province, and recommended them to raise a fund by subscription, for the purpose of sending home a petition to His Royal Highness the Prince Regent, to solicit the appointment of a commission from England for that purpose. This proposal giving great offence to certain persons in office, called down their resentment on your Petitioner, whom they caused to be twice arrested and tried on charges of seditious libel. Your Petitioner being twice honourably acquitted from these false charges, then entertained the fullest hope of succeeding in his views by offering to lay before the Lieutenant-Governor, just arrived from England, his information and proposals for public benefit, when, to his astonishment, a party in power not only succeeded in exciting prejudices in the mind of the Lieutenant-Governor against your Petitioner, but wantonly libelled a great portion of the inhabitants, and had a law enacted, abridging public liberty, equally uncalled for and odious to the great body of the people.

That your Petitioner immediately after this was on the point of setting off for England, when a conspiracy was formed between three of his most notorious political enemies to ruin his character, and prevent his ever returning to Upper Canada. For this purpose, they pretended that your Petitioner was subject to a Provincial statute, (*a copy of which is hereunto annexed,*) which can only apply to aliens and outlaws, and one of them scrupling not to perjure himself, to afford grounds for procedure, they presented him with an order to quit the Province, upon his disobeying which, they had him arrested and committed to jail, (*the order being hereunto annexed.*)

That your Petitioner being thus situated, applied for liberation by Writ of *Habeas Corpus*; (*the whole process being hereunto annexed;*) but being remanded to jail by the Chief Justice of the Province, was detained there for nearly eight months.

That your Petitioner, in this melancholy predicament, had still

the hope of clearing his character from the base imputation of his enemies, by a fair submission of their charges to the sense and feeling of a jury; and, in the mean time, having taken the opinion of Sir Arthur Piggott, and other lawyers of eminence, as to the legality of his imprisonment, had their decided opinions that it was not legal—that the Chief Justice of Upper Canada was wrong in not having granted liberation, and that those who had caused the arrest were liable to an action of damages for false imprisonment.

That, nevertheless, the hopes of your Petitioner were completely blasted. Before the day of trial his body and mind were so weakened by confinement and exasperation, from cruel, unnecessary, and unconstitutional treatment in jail, that, on being brought into the fresh air of the court, his faculties entirely forsook him. A trial was brought on, not for any crime, but merely to determine the fact that your Petitioner had refused to leave the Province. To such a trial, under ordinary circumstances, your Petitioner would undoubtedly have demurred. As it happened, he, altogether insensible of consequences, suffered the trial to proceed till a sentence of banishment was pronounced against him by the same judge who detained him in prison.

That it is now more than two years since your Petitioner returned to England, from Upper Canada,—that he has attended in London during this and two former sessions of Parliament, with a view to press inquiry into the state of Upper Canada, on public grounds, as well as to watch opportunities for obtaining redress for the personal wrongs he has sustained.

That he has had presented to your Honourable House three Petitions, *pro forma*, and for after reference, in the hope that a commission would speedily arrive from the Province, to engage more seriously the attention of Parliament. These Petitions were received, and ordered to be printed, 11th July, 1820; 27th July, 1821; and 27th February, 1822, respectively.

That since the last of these Petitions was presented, a commissioner has actually arrived in England, despatched by the legislature of Upper Canada, to communicate with the Home government on Provincial affairs, become more and more embarrassed, so that your Petitioner is now sanguine that your Honourable House will be officially called upon to inquire seriously into what he has so long and so strenuously urged:—that your Honourable House will inquire not partially, but fully and fairly into the state of Upper Canada.

That as to the personal wrongs of your Petitioner, he has not, until now, prepared any prayer to be preferred to your Honourable House, for want of evidence:—that now, not only is the judge who detained your Petitioner in jail contrary to law and constitutional right, and who wrongfully tried and banished him from Upper Canada, in England, but two respectable individuals who witnessed the trial and melancholy condition of your Petitioner on that occasion, are also here, and have written out, and offered to subscribe upon oath the following declaration:—viz. “The deponents make oath and say, that they were acquainted with Robert Gourlay, in Up-

" per Canada, and were present in the Court of Niagara when he was tried, on or about the 20th August, 1819. That before then and on all occasions the said Robert Gourlay had appeared to the deponents to be a man of sound mind: that during trial, his conduct seemed altogether at variance with former experience; his language was incoherent, and his manner indicative of partial delirium. The deponents have no hesitation in saying, that the said Robert Gourlay seemed quite incapable of defending himself against any charge."

That the individuals who wrote out the above did present themselves before the sitting magistrates in Westminster, in the month of March, 1822, for the purpose of being sworn thereto; but being told that the proceeding was irregular, have since declined any further voluntary assistance to your Petitioner, although they would readily come forward with their testimony if called upon by authority.

It is almost unnecessary to repeat, that severity of treatment in jail produced the effects which can be thus attested. After being greatly weakened in health by six months' imprisonment, your Petitioner was put into close confinement for six weeks previous to trial; refused a hearing of complaint by a court of magistrates while stifled with extreme heat; and for some time denied intercourse with his friends, even law counsel and magistrates.

That your Petitioner, by this cruel treatment, and while convicted of no crime, has suffered in every possible way. Being detained beyond his purpose in Upper Canada for fourteen months, he found, in consequence, on his return to England, his whole affairs, which had been left in the best possible order, in utter confusion; he found himself not only ruined in estate, but blasted in reputation.

The leading charges which caused him to be imprisoned and banished from Upper Canada, rested on an assertion published in the London Courier of 8th July, 1818, that he had "*escaped after the disgraceful proceedings of Spa-fields,*" and hence sprung accusations of the most hideous kind: nor did the effect of this assertion, as false as it was malicious, cease with persecution in Upper Canada. On your Petitioner's return home, he found slanders of the same description promulgated in several ministerial newspapers; and to such a pitch of credit did these attain, that it has lately appeared at an audit of accounts, in the shire of Fife, that public money had been applied "*to watch the motions of Mr. Gourlay, and hold correspondence with the county member thereanent.*" Your Petitioner can challenge the member of Parliament for the county of Fife; his correspondents; and the whole world, to bring forward the slightest atom of evidence against his loyalty, peaceable demeanour, or good connexion in society, either now or at any period of his life, either in the British Isles or in America.

Your Petitioner having thus fallen a victim to groundless scandal, being convicted of no crime, and having no remedy by the ordinary course of law, situated as he now is, trusts that your Honourable House, the natural protector of his constitutional rights, which have been grossly violated, will devise means by which he may have redress.

To this end he earnestly entreats that your Honourable House will cause inquiry to be made, witnesses to be examined, and such other steps to be taken as in wisdom may seem meet.

And he will ever pray,

ROBERT GOURLAY

(M) ~~(A 7)~~

To the Honourable the Commons, &c.

THE PETITION OF ROBERT GOURLAY.*

Humbly sheweth,

That your Petitioner, has had three petitions presented to your Honourable House, praying for inquiry into the state of *Upper Canada*:—That these petitions were received and ordered to be printed, 11th July, 1820—27th July, 1821, and 27th February, 1822:—That your Petitioner having now perused a Bill pending in your Honourable House to make more effectual provision for the government of the provinces of *Lower and Upper Canada*, to regulate the trade thereof, and for other purposes relating thereto, is more than ever convinced of the necessity of full and fair inquiry, not only into the state of *Upper Canada*, but that of the whole of *British North America*. That instead of this Bill, which has originated in a trifling dispute, which has been got up without the general knowledge and concurrence of the Colonists, and which proceeds on narrow views, neither calculated to be effectual nor permanent in their operation, your Petitioner would propose that a commission of inquiry be substituted: that ten men of business and talent be appointed, to proceed without delay to *British North America*: two to *Newfoundland*, two to *Nova Scotia*, two to *New Brunswick*, two to *Lower Canada*, and two to *Upper Canada*:—That they shall have full powers to inquire into the state of public affairs, and to ascertain by what means the *North American Provinces* may be rendered most profitable to the Mother Country; and at the same time most secure and prosperous within themselves:—That, having spent a month together in each of the provinces respectively, one of each two of these commissioners shall repair to *Quebec* for general consultation and correspondence:—That the Provincial Parliaments be forthwith summoned to meet and give aid to these commissioners. That instead of the present Constitutions, the Provinces shall each be governed, as to local matters, by an Assembly and Lieutenant-Governor in Council, and that those now acting in such, shall continue to act for the time being:—That legislative councillors shall form a general council or congress to meet at *Quebec* for the management of all affairs concerning the common interests of the provinces and arbitrement of others: the Governor-in-Chief to preside:—That, as legislative councillors die out, others shall be chosen to supply their place by the people of the Provinces.

* Presented by Mr. Brougham, and ordered to be printed, July 18th, 1822.

respectively to which they belong, those only having a right to vote at the election of such legislative councillors as are now qualified to sit in Assembly:—That one legislative councillor for each Province shall have liberty to come home to *England* and sit in the Imperial parliament, to speak but not to vote:—That, the land reserved for a Protestant clergy, with other public lands, be put under the management of a land-board for judicious sale, the land-board to have head quarters in *England*, and branches in the provinces:—That a supreme judicial court be held at *Quebec*, for the final decision of all questions of law tried in the Provinces, and that the Governor-in-Chief shall have power to pardon all offences:—That two able engineers being sent out to *Canada* to survey the river *Saint Lawrence*, shall report generally, how, and by what means the navigation of that river may be improved:—That duties levied at *Quebec* shall be wholly applied to that great national object:—That no duties whatever shall be imposed on goods passing across the boundary between *British America* and the *United States*:—That it be taken into consideration how the *British* army may be with greatest safety supplanted in its present posts, throughout *British North America*, by natives and others, not chargeable to the Home Government, and how the individuals in that army may be best provided for:—That at the end of fifteen years the people of the Provinces shall be at liberty to hold a convention for altering and amending the constitution. It is supposed that commissioners and surveyors may be at their posts and doing duty by the first day of October, 1822; that the Provincial Parliament may be met by the beginning of November; and that the above, and all other matters and things, may be duly accomplished and considered by the first of December: so that a full and satisfactory report of the whole may be laid before the Imperial Parliament by February, 1823.

Your Petitioner now humbly intreats that your Honourable House will take these proposals into serious consideration,

And he will ever pray,

ROBERT GOURLAY.

(A 8.)

To His most Excellent Majesty, George IV. Sovereign of the United Kingdom of Great Britain and Ireland, Defender of the Faith, &c. &c. &c.

13, Clifton-Street, Finsbury, London.
August 10, 1822.

SIRE!

The King, your father, gave me a commission to command a corps of Volunteers in Fifeshire, dated the tenth day of October, 1799. This command I resigned, in consequence of a long absence from Scotland, which rendered it impossible for me to perform required duties.

When war was declared in 1803, I might again have had a com-

mission to serve his Majesty as an officer of Volunteers, but preferred to evince my loyalty by entering as a private in a troop of Yeomanry Cavalry. In 1806-7, the Whig administration despised the services of Volunteers; sent orders to Edinburgh, that they should be slighted; and, the officers of the troop to which I belonged, failed to appear on duty. On this occasion, I addressed my fellow-yeomen: proposed that we should deposit our arms in the County-hall; inform Government that, when required, we would resume them; and that those of us who were unmarried, would, on a moment's notice, cross over into France to put down the power of Bonaparte, while he was fighting the Russians at Eylau.

My fellow-yeomen neglecting these proposals, I withdrew from the troop, but have ever been, and ever shall be ready, to turn out, when called for, in defence of my King and country.

In the year 1817, being pressed by misfortune, I went out to Upper Canada, to seek an asylum for myself and family. Finding that Province blessed by nature, but ruined by misgovernment—finding that British laws of the most sacred character were set aside by arbitrary power, and that public faith was violated, I advised the people to send home a commission, to entreat your Majesty's interference; and an address was sent home to be presented to your Majesty, then Prince Regent, by Lord Erskine, the duplicate of which, and letter to Lord Erskine are hereunto annexed.

Having, by these proceedings, incurred the displeasure of men in power, I was subjected to two trials for alleged libel; but was twice honourably acquitted. I was then ordered to leave the Province, under colour of a statute applicable only to aliens, (which statute, with other documents, are hereunto annexed,) and in my *right* of a British subject, refusing to obey, was cast into prison, and banished, merely because of my refusal.

Since returning to England, I have attended in London during three sessions of Parliament on this business. I have had four petitions presented to the House of Commons, calling attention to Upper Canada, on public grounds, and one, respecting my personal sufferings, (printed copies of which are annexed.) I have had a petition similar to the last mentioned presented to your Majesty in Council, and another to the House of Peers; but, as yet they have availed nothing, I now apply directly to your Majesty for leave to return to Upper Canada, safe from arrest. I do not solicit pardon, because I hold myself not only guiltless, but much injured. I solicit your Majesty's interference in support of the most sacred right of a British subject—the right of allegiance, which equally regards obedience and protection. I solicit your Majesty's interference, solemnly pledging my honour, that I never harboured evil intention against the Government of your Majesty, but, on the contrary, was actuated, in all my endeavours, by an enthusiastic desire to retain Upper Canada, beneath British Dominion—to make it conducive to the happiness of your Majesty's subjects, and a valuable portion of the Empire.—It is my hope, that while your Majesty treads on the soil of my native land, I shall more readily obtain the favour now solicited; and

praying that the day may be late on which confidence is misplaced in a Scotchman,

I am,

Your Majesty's dutiful subject,
ROBERT GOURLAY.

ADDRESS ABOVE REFERRED TO.

To His Royal Highness, George Prince Regent of the United Kingdom of Great Britain and Ireland, &c. &c. &c.

The Humble Address of Inhabitants of Upper Canada.

May it please your Royal Highness,

The subjects of your Royal father dwelling in Upper Canada should need no words to give assurance of their loyalty, if the whole truth had reached the throne of their Sovereign. His loving subjects have reason to believe that the truth has not been told.

During three years of war, Upper Canada was exposed to the ravages of a powerful and inveterate foe. The Government of the United States had been long concerting the invasion of this Province; hostile preparations against it had been masked under other designs; and at last, the accumulated torrent of violence burst on the defenceless children of the British Empire.—Nor were they assailed by the weapons of war alone. An insidious proclamation preceded the host of the enemy—forgetful of honour—regardless of humanity—and daring to seduce the subjects of Britain from their true allegiance. The subjects of Britain remained dauntless and firm. It was not for property that they rose against the invader: the invader would have spared them their property. They flew to arms in defence of the rights and Sovereignty of Britain. Twice had the American standard been planted in Upper Canada, while yet but a handful of troops aided the native battalions of the Province;—twice did these raw battallions wave the laurel of victory over the prostrate intruders on their soil. The second year of war saw Canada contending with yet little assistance from the parent state;—the second year of war saw her sons confirmed in their virtue, and still more determined to resist. Wives and children had fled from their homes, the face of the country was laid waste, and the fire of revenge was sent forth to consummate distress and misery; still was the spirit of the people unextinguished—still did it burn with patriotism and loyalty.

By the third year, every risk of conquest was at an end; for now the British aids poured into the Provinces, and peace was proclaimed, when war was no longer to be feared.

It is now more than three years since there was an end of war; but, strange to say, these years of peace have manifested no appearance of affection or care from the Mother Country to the Canadas. Commercial treaties have been made altogether neglectful of British interests here. Government transactions, which used to give spirit to trade and industry, are at a stand; troops are withdrawn; fortifica-

tions are suffered to go to ruin; and rumours are abroad too shocking to be repeated in the Royal ear.

May it please your Royal Highness to listen calmly to the complaints and grievances of the people of Upper Canada, who are fully assured that your Royal Highness has been kept ignorant of most important truths—who are well assured of the generous dispositions of your Royal heart; and of your desire that British subjects should every where share, equally, your paternal regard and affection.

It was matter of much provocation to the people of this Province to see, even during the war, which afforded such striking proofs of their loyalty and valour, reports sent home, highly rating the merit of regular troops, while the tribute due to Canadian levies was unfairly let down. Nay, the principles of the most loyal subjects here were often stigmatized by British officers, ignorant of human character, and still more so of circumstances which affect it in this part of the world. It was not so with the immortal Brock. He justly appreciated Canadian worth; and his memory will happily long cherish in the minds of the Canadian people a due regard for the genuine spirit of a British soldier, at once generous and brave.

The loyal inhabitants of Upper Canada would disdain to notice the misrepresentations of individuals so contrary to notorious truth, if these had not obviously conspired, with other causes, to lessen the regard which should subsist between British subjects here and at home—to influence the conduct of ministers towards the general interest of the Provinces.

The loyal subjects of His Majesty in Upper Canada suffered grievously during the war in their property, and many were bereft of their all. A solemn investigation on this subject took place: the claims of sufferers were authenticated; and there was every reason to expect that recompense would immediately follow; yet nothing has followed but delay and insult. Surely, if there is among mankind a single principle of justice, this is one, that the individuals of a nation ought not, partially, to bear the weight of public calamity—surely individuals who have exposed their lives for government should not be disgusted, with finding government regardless of those very principles which it is intended to sustain. The people of this Province are well aware that their fellow-subjects at home are pressed hard with taxation, and far is it from their wish that relief should be afforded from thence; Canada contains, within itself, ample means of exonerating government from the claims of sufferers by war; and it is within the *fiat* of your Royal Highness to remove, by a single breath, the evil now so justly complained of. Millions of acres of fertile land lie here, at the disposal of your Royal Highness, upon the credit of which, put under proper management, not only the fair claims of loyal sufferers could be instantly advanced; but vast sums could be raised for the improvement of the Provinces, and the increase of revenue to Britain.

Another grievance, manifesting the neglect of government to the concerns of Upper Canada is equally notorious, and must be still more abhorrent to the generous feelings of your Royal Highness.

The young men of the Province who were armed in its defence, had, for their spirited conduct, the promise of their commanders, that land would be granted them as a reward for their services, as soon as war was terminated; and after this promise was universally confided in, the Parliament of Upper Canada passed an extraordinary law in the face of established British principles, that the militia should pass beyond the frontier. With these promises, and in obedience to this law, the militia passed beyond the frontier with alacrity: yet since the peace, the greater part of them have been denied the pledge of their extraordinary services, and the land is unjustly withheld.

Such ingratitude—such dishonour—such errors in policy, your Royal Highness may be well assured could not exist without extraordinary influences, and were your Royal Highness sufficiently informed as to these, and of the true state of Upper Canada, we flatter ourselves most important changes would speedily take place, as well for the glory of the throne as for the benefit of its subjects.

Permit the loyal subjects of His Majesty merely to say as much, at the present time, on this subject, as may induce your Royal Highness to order inquiry to be made.

The lands of the Crown in Upper Canada, are of immense extent, not only stretching far and wide into the wilderness, but scattered over the Province, and intermixed with private property, already cultivated. The disposal of this land is left to ministers at home, who are palpably ignorant of existing circumstances, and to a council of men resident in the Province, who, it is believed, have long converted the trust reposed in them to the purposes of selfishness. The scandalous abuses in this department came some years ago to such a pitch of monstrous magnitude, that the home ministers wisely imposed restrictions on the Land-Council of Upper Canada. These, however, have by no means removed the evil; and a system of patronage and favouritism in the disposal of the Crown lands still exists, altogether destructive of moral rectitude and virtuous feeling in the management of public affairs. Corruption, indeed, has reached such a height in this Province, that it is thought no other part of the British empire witnesses the like; and it is in vain to look for improvement till a radical change is effected. It matters not what characters fill situations of public trust at present: all sink beneath the dignity of men, become vitiated and weak, as soon as they are placed within the vortex of destruction. Confusion on confusion has grown out of this unhappy system; and the very lands of the Crown, the giving away of which has created such mischief and iniquity, have ultimately come to little value from abuse. The poor subjects of His Majesty, driven from home by distress, to whom portions of land are granted, can now find in the grant no benefit; and loyalists of the United Empire—the descendants of those who sacrificed their all in America, in behalf of British rule—men whose names were ordered on record for their virtuous adherence to your Royal Father,—the descendants of these men find, now, no favour in their destined rewards: Nay, these rewards, when granted, have in many

cases been rendered worse than nothing; for the legal rights in the enjoyment of them have been held at nought: their land has been rendered unsaleable, and in some cases, only a source of distraction and care.

*Under this system of internal management and weakened from other evil influences, Upper Canada now pines in comparative decay: discontent and poverty are experienced in a land supremely blessed with the gifts of nature: dread of arbitrary power wars here against the free exercise of reason and manly sentiment: laws have been set aside: legislators have come into derision: and contempt from the Mother Country seems fast gathering strength to disunite the people of Canada from their friends at home.**

The immediate interference of your Royal Highness might do much to check existing evils; and might wholly remove those which spring from the system of patronage and favouritism in the land-granting department. Other evils, however, greatly retard the prosperity of Upper Canada—evils which have their root in the original constitution of the Province, and these can only be removed by the interference of the British Parliament, now most imperiously required.

Deeply penetrated with these sentiments, and most seriously inclined to have such needful changes speedily effected, the loyal subjects of Britain dwelling in Upper Canada, now take the extraordinary step of sending home commissioners to bear this to the throne, and humbly entreat your Royal Highness to give ear to the details which it will be in their power to relate: above all, that your Royal Highness would immediately send out to this Province a COMMISSION consisting of discreet and wise men—men of business and talent, who shall be above every influence here; and who may be instructed to make inquiry into all the sources of evil.

*St. Catharine's, District of Niagara,
Upper Canada, August 1st, 1818.*

My Lord,

Your long-tried fidelity to the cause of popular rights, and your many glorious struggles in behalf of virtuous independence, have suggested the wish on the part of my constituents, that I should solicit the honour of having the address of the Upper Canadian Convention of Friends to Inquiry, presented by your Lordship to his Royal Highness the Prince Regent.

In granting this favour, your Lordship will greatly increase our hopes of success in the cause we have espoused; and it will be a pleasant anticipation for us to think, that the prosperity of this Province, so richly gifted by nature, is cherished by the man whose genius shed the brightest lustre on the British bar, and whose merit alone raised him to the highest dignity which a subject can enjoy.

Permit me, my Lord, to offer to your perusal a pamphlet con-

* The part above printed in italics was that for which I was tried and honourably acquitted in Upper Canada.

taining the principles and proceedings of those for whom I subscribe myself, with the utmost respect,

Your Lordship's very obedient servant,

(Signed)

RICHARD BEASLEY.*

The RIGHT HON. LORD ERSKINE,
&c. &c. &c.

REPLY.

Edinburgh, 29th August, 1822.

Sir,

In acknowledging the receipt of your letter of the 21st Instant, I beg to acquaint you that I have laid before the King your Petition (handed to me here), and by His Majesty's commands have referred it to the Secretary of State for the Colonial Department, for his consideration.

I am, Sir,

Your obedient humble Servant,

(Signed)

ROBERT PEEL.

ROBERT GOURLAY, Esq.

(A. 9.)

To the Honourable the Commons, &c.

THE PETITION OF ROBERT GOURLAY AND OTHERS, *Parishioners of Wily, in Wiltshire.†*

Humbly sheweth,

That a Petition, signed by Parishioners of Wily, was presented to your Honourable House, 31st May, 1815, from which the following is extracted.

" That it is notorious, that the labouring people of England are
" not so well, generally, in point of worldly circumstances as they
" were in former times.

" That, in the remembrance of many of your Petitioners, those
" who required relief from the parish were few, consisting only of
" such persons as were old or otherwise impotent.

" That, now it is impossible for the best spirited and ablest bodied
" man to bring up a family from the earnings of his labours; and,
" that of late, to remedy this, it has become a standing regulation
" with magistrates, to allow to all labourers having a certain num-
" ber of children, the right of demanding assistance from parish-
" officers to such an extent, as shall, with actual earnings, amount
" to a certain sum for each individual member of their families
" respectively, and consequent to the action of this regulation, other
" regulations have been formed and acted upon.

* Colonel Beasley was chairman of the Convention and some years speaker of the Assembly.

† Presented by the Honble Mr. Grey Benner, and ordered to be printed, June 5th, 1823.

" That your Petitioners, however much they deplore that this
 " fictitious system should have grown up, (a system which has not
 " only lessened the comforts, but cramped the liberty and indepen-
 " dence of a vast portion of British subjects,) would not wish to
 " attribute its origin or its progress to design; but would rather look
 " to it as a result of chance and mistaken notions of policy.

" That, thus impressed, they have ever viewed this unhappy sys-
 " tem with dispositions peaceable and resigned, but trust, as far it
 " can be ameliorated, or virtuous means pointed out whereby its
 " grievances may be lessened or removed, that the legislature will
 " be ever ready and willing to afford its countenance and aid.

" That, in the opinion of your Petitioners, it would contribute
 " much to the amelioration of the system, were all regulations re-
 " garding it absolutely fixed and publicly declared by Act of Parlia-
 " ment, so as to leave as little as possible depending on the will and
 " discretion of individuals.

" That your Petitioners are assured that the regulations do ad-
 " mit, in practice, of such settlement, and that this would tend
 " greatly to the comfort of all parties—of magistrates, of parish-
 " officers, of contributors to parish funds, as well as of persons
 " who draw the whole, or part of their maintenance from the
 " same.

" That it can only be the just practical end of such regulations,
 " as they affect people claiming parochial aid, to guard against idlen-
 " ness, or the neglect of means whereby such persons may support
 " themselves. That it never should be the spirit of these to act
 " tyrannically, or to operate as a check upon the liberty and im-
 " provement of the people.

" That, nevertheless, as matters now stand, many regulations are
 " so formed, or so arbitrary, as to subject the people receiving
 " parish assistance to unnecessary grievances, and to place them,
 " more than needful, under the caprice of magistrates and over-
 " seers.

" That one regulation, in particular, has this tendency, in a very
 " flagrant degree, must be obvious, on the mere statement of the
 " same: it is that, authorized by magistrates, which permits the
 " overseer to call out the children of those having parish assistance
 " to labour, from the period of their arriving at seven years of age.
 " It must be manifest, that at no season of the year can the labour
 " of children of this tender age be of any material consequence;
 " and, that even the labour of those five years older, viz. those of
 " twelve years of age, can be little during the winter season, and
 " certainly not in proportion to the waste of health and strength
 " incurred by exposure to premature toil and inclement weather.

" That your Petitioners conceive, that, with a view merely to the
 " ultimate economy of labour, such a regulation is greatly too
 " severe. That, overstraining the tender years of youth, only
 " serves to contract the frame, to weaken the constitution, and to
 " entail such a degree of imbecility upon after life, as greatly to
 " outweigh in the end, even to the public, the paltry savings of
 " childish drudgery. But there is a higher consideration which

“ your Petitioners beg leave to submit to your Honourable House—
 “ a consideration equally important for the community as for individuals, viz. that which regards this regulation as a complete bar
 “ to the mental improvement of the children of those who receive
 “ parochial aid. Although the period of life from seven to twelve
 “ years of age, may be little valuable for labour, it is that in which
 “ the mind is most susceptible of improvement, and when it is
 “ adequate to receive, with best effect, the impressions of education.
 “ That, however men may differ as to the policy of establishing
 “ a national institution for the education of youth, or be aware of
 “ the difficulty of doing this to general satisfaction, in a country
 “ where religious liberty has created such variety of opinions, as to
 “ fundamental principles, yet still, no reasonable, or liberal minded
 “ person will say, that parish laws, or any other, should wantonly
 “ oppose the inclination of parents or guardians, to have their children
 “ instructed in the rudiments of education, and to be made capable
 “ of searching the scriptures of religion or the written laws of their
 “ country.

“ Your Petitioners, upon these grounds, humbly pray that your
 “ Honourable House will take these matters, generally, into your
 “ serious consideration; but more immediately and particularly,
 “ that you will enact that, from Michaelmas to Lady-day, no overseer,
 “ or any other person, shall have power to call out children
 “ under twelve years of age to labour, or to withdraw any stated
 “ allowance from the parents or guardians of such children because
 “ of their not labouring; at least, if such parents or guardians
 “ do put such children to school during the said period of each
 “ year.”

Your Petitioners, in reproducing the above extracts, wish not now to insist on the special performance prayed for: they wish to state that the condition of the labouring poor is now greatly worse than it was in 1815. For several years prior to that period, a labouring man, with a wife and four children, was entitled to have his earnings made up to nineteen shillings and sixpence per week; but during the last year, he had only seven shillings and sixpence per week, by the same rule; a pittance which barely served to afford him and his family, lodging, food, and fire, to say nothing of raiment or education. Your Petitioners are most earnest in their wishes to have their children educated. They conceive that by means of this, they can be best distinguished from the beasts that perish; they can best qualify themselves for adding strength and reputation to their country, and best fit themselves for another and a better world.

Your Petitioners now most earnestly entreat that schools may be established at public expense—by which every child may be taught to read and write, in union with a general scheme for the abolition of pauperism, and that this Petition may be printed for the perusal of any committee, commission, or board, which may be appointed by your Honourable House to expedite the same.

And they will ever pray,

ROBERT GOURLAY,
 and others.

(A. 10.)

To the Honourable the Commons, &c.

THE PETITION OF ROBERT GOURLAY,*
And other Parishioners of Wily, in Wilts.

Showeth,

That your Petitioners, who are for the greater part agricultural labourers and paupers, have seen a bill (Mr. Nolan's bill) introduced into your Honourable House, during the present session, entitled, "*A Bill to amend the Laws regarding the Maintenance and Employment of the Poor,*" and hasten to protest against certain proposals of that Bill, viz. those which go to punish paupers by making them serve in the militia and by badging.

Your Petitioners beg leave to state their opinion, that, before a thought is bestowed on the punishment of paupers, much thought should be bestowed on the causes of pauperism.

Your Petitioners, though generally poor and ignorant, do yet know this much, that the first great command of God to man, recorded in the Bible, which is "part and parcel of the law of England," is expressed in these words: "*be fruitful and multiply and replenish the earth, and subdue it.*" And they further know, that after the lapse of six thousand years, the earth is not replenished nor subdued.

Your Petitioners are informed, that the King of England rules over vast regions more fertile, and ten times larger than England, which are cultivated and inhabited only by a few savages: they see that the very parish to which they belong could nourish ten times its present population, and they can understand how it comes about that the law of God has not taken effect in this parish. They see rents, and tythes, and taxes exacted, and expended to the worst of purposes; to sustain luxury and idleness; to keep alive (wicked†) priests, and (still more wicked†) lawyers; to give employment to villanous stewards, and power to hard-hearted masters; in short, to aid corruption in every possible way, and make tyranny paramount.

Your Petitioners know from experience, that there is health and happiness in labour; they know, that "sweet is the sleep of the labouring man," and they by no means grudge to earn bread by the sweat of the face; their most anxious desire, indeed, is to be allowed to have a sufficiency of employment, and fair pay for the same.

Your Petitioners are informed and believe, that in America an agricultural labourer earns wages to the value of three pecks of wheat per day, and that a labourer of the same description in England could earn to the value of two pecks of wheat per day, but for

* Presented by Mr. Benett, of Wiltshire, and ordered to be printed 19th June, 1823.

† Words struck out of the Petition before it was signed.

corn-laws and emigration-laws:—emigration-laws which have been condemned by Mr. Malthus, and corn-laws which have been characterised, by a virtuous member of your Honourable House, Mr. Ricardo, as odious and absurd.

Your Petitioners are aware, that a sudden change of customs and habits,—a sudden change in established and ancient arrangements,—an unguarded repeal of emigration-laws and corn-laws, might be productive of great evil; but they are assured that good customs and habits could be gradually introduced, in the place of those that are wasteful and vicious: that the very change of arrangement, if well conducted, might lead to lasting peace and happiness; and that corn-laws and emigration-laws might be so repealed as to leave England prosperous beyond all precedent, and supereminently glorious among the nations of the earth; that plans could be adopted to promote the great intention of God; and that the earth could be speedily replenished and subdued.

Your Petitioners beg leave to state, that even now, in the middle of summer, and in hay harvest, the regular wages of an agricultural labourer in the parish of Wily do not exceed 7s. per week, which is not half the present value of twelve pecks of wheat; and they further state, that from a system of combination, which has grown up under the influence of poor-laws, it is altogether impossible for labourers to increase the rate of their pay: they cannot move freely over the country with any hope of bettering their condition, and they must of necessity receive whatever sum it is the pleasure of their masters, the farmers, to bestow.

Your Petitioners beg leave to state, that it is altogether impossible for them to rear up their children, or maintain themselves in age or infirmity, from their regular pay; and that what are called poor-rates are little else than part of the natural price of labour, unprofitably withheld—withheld from flowing towards the labourer, through the proper channel.

Your Petitioners beg leave to state, that while the above is the present highest rate of wages, the rate of wages was reduced during winter months to 3s. per week for an able-bodied man, by the farmers, countenanced by the magistrates. Parishioners of Wily have had petitions laid before your Honourable House, praying to have, for each man, a rood of land for its value, and education for their children, free of expense to them. They now state, that an excellent scheme for increasing their pay has been introduced, and found, by experience, productive of happy consequences:—for every penny saved by some of your Petitioners, and put into a deposit, another penny is added by the landowners, farmers, and others, of the wealthy classes, which they, at the end of twelve months, apply to the purchase of clothes for your Petitioners who have thus deposited savings. This scheme your Petitioners are convinced, might be introduced all over the kingdom on a liberal scale, under the authority of law; and were it so introduced, while a rood of land was allowed for its value, to each man, and education afforded to all the children of paupers, there is not a doubt in the minds of your Petitioners, but that the poor might gradually be raised out of their present de-

plorable condition, and be made independent of parish aid, even though emigration-laws and corn-laws were not repealed.

These facts are so undeniable and important,—these positions are so stable, that your Petitioners do most earnestly desire that a commission may be appointed, without loss of time, to visit Wily parish, and report to your Honourable House as to the same, after due inquiry is made by a personal communication with your Petitioners; and that, in the mean time, this Petition may be printed in the Journals of your Honourable House, for the perusal of any committee, commission, or board, having for consideration any question regarding the system of the poor-laws.

And they will ever pray,
ROBERT GOURLAY,
 and others.

(A. 11.)

To the Honourable the Commons, &c.

THE PETITION OF ROBERT GOURLAY.*

Humbly sheweth,

That your Petitioner did, on the 9th day of September, 1822, for good and urgent reasons, throw himself for employment on the parish of Wily, in Wiltshire.

That, on the following day, his right of settlement in the parish was proved before magistrates, in Fisherton, near Salisbury.

That, on the 11th of September, he was set to work by the overseer of the poor of Wily; and did, for five days, break flints on the public road, during the space of eight hours each day.

That, on Monday, the 16th of September, he attended the select vestry, in church assembled, and did receive four shillings from the overseer, as payment for his labour; but which, with two shillings and sixpence previously received, he considered to be three shillings and sixpence below the real value of his work, which could not be fairly estimated at less than ten shillings.

That the select vestry then consulted together, and told your Petitioner that they would give him no more employment till a general vestry was called and met.

That, on the 18th of September, the vestry being met, came to the resolution of paying your Petitioner a weekly allowance of four shillings and sixpence, without requiring any labour.

That your Petitioner did not complain of this arrangement, but found, after several weeks' consideration, that he could not be happy in the receipt of pay without work, and did not receive the pay offered. That, on the 14th of October, attending the select vestry meeting, he agreed with the said vestry to break flints by the load, at the rate of four-pence per load, to the amount of four shillings and sixpence per week, and then receive the stated pay.

* Presented by Mr. Hume, and ordered to be printed. June 27th, 1823.

That he broke flints from the 14th to the 28th day of October, and found himself able to break double the quantity which he was allowed to break; found, in fact, that he could earn fairly, at the rate of the country, nine shillings a week, by breaking flints.

That on the 28th of October, he attended the select vestry meeting, and received from the overseer nine shillings for the fortnight's work.

That, on the 11th of November, having again accomplished his work, he attended the select vestry meeting, when the overseer paid him six shillings; but refused to pay him the full amount which was then due, and which had been agreed for by the select vestry.

That your Petitioner laid before the magistrates, assembled in petty sessions, in Fisherton, near Salisbury, on the 12th of November, a memorial, stating his case, and praying for summonses in order to procure redress, but was refused; although he clearly explained, by word of mouth, that he was injured by breach of contract.

That he then returned to his labour of breaking flints, and on the 25th of November, received six shillings from the overseer for the same.

That, on the 27th of November, while peaceably employed at his work, the overseer rode up to him, and said, he would pay him no more money.

That, on the 9th of December, he attended the select vestry meeting, and was refused pay for the work then completed.

That, on the 10th of December, he made complaint to the magistrates, in petty sessions, and obtained a summons for the appearance of the overseer, on the 17th of the same month, in Salisbury: that the overseer did appear there on the day appointed; was ordered by the magistrates assembled in petty sessions to pay, and did pay to your Petitioner the six shillings due for work, before going out of court.

That the overseer, on his way out of court, desired your Petitioner to return him the hammer which he had given your Petitioner for the purpose of breaking flints; and said, that if it was not returned, he would serve your Petitioner with a summons for the same.

That, on the 23d of December, your Petitioner having again broken a sufficient quantity of flints, attended the meeting of the select vestry, and received for his work six shillings; being the first settlement without disagreeable words.

That your Petitioner, having been absent from the parish for twelve weeks, did not again apply to the overseer for pay till the 17th of March, 1823: that the overseer then offered six shillings; but your Petitioner remonstrated against this payment, as too little, because of bread having risen in price, from one shilling to one shilling and three-pence the gallon loaf: that, nevertheless, the overseer refused any greater allowance of pay, and forced your Petitioner again to apply to the court of magistrates, which he did, in Salisbury, on the 18th March, 1823.

That the court, after parties were heard, ordered the overseer of Wily to pay to your Petitioner an additional allowance of money, proportioned to the rise in the price of bread, which, however, your

Petitioner declined to receive, having done no labour for the same; and being then, from change of circumstances, able to live without parish aid.

That your Petitioner left the parish of Wily, on the 23d of December, 1822, finding that flints could no longer be broken because of the frost, and was cherished by friends for one month, in various parts of the country.

That the heart of your Petitioner becoming more warm from the kindness of friends, he felt disposed to apply certain sums of money which had been remitted to him by other friends, to defray his expenses on a pedestrian excursion, to see, and be able to witness, the miseries endured by the poor of England, at large, during the severity of winter, and under the influence of poor-laws.

That your Petitioner, journeying with this intent, passed through the counties of Dorset, Devon, Cornwall, Somerset, and returned into Wiltshire the 6th of March, 1823.

That your Petitioner found that the labouring poor of a certain parish in Dorsetshire could not purchase fuel: that they stole the whole of what they used, and sent out their little children to steal the same; he also found that such was the case in other parishes, both of Dorset and Devon.

That your Petitioner found that the labouring poor of a certain parish in Dorset, were yoked together, and employed to haul materials for the repair of roads, in carts,—a practice which had gone on for several years.

That your Petitioner found that the labouring poor did not, notwithstanding the greatest hardships, cease to marry, and procreate children: that, particularly, he found that a young man of Dorsetshire had just then married, applied to magistrates for relief, and received an order to be relieved to the amount of two shillings per week.

That your Petitioner found in Devonshire, a county containing the best breed of people in the kingdom, most civil and handsome by nature, and where schools prevailed more than in most parts, that there were more frightful ruffians among the paupers than in any other quarter; and that he ascribed this to the practice of apprenticing out children of the poor, at nine years of age, under which practice the children are generally taken away from school,—neglected in their habits of church-going,—exposed to horrible usage,—and weaned from natural affection to parents.

That your Petitioner found in a parish of Cornwall, fishers spending their time in tedious idleness, living upon a miserable parish allowance, and taking not the smallest thought of how they might better their condition, either by water or land: that this state of things was spreading among fishers in other parishes, and could clearly be traced to the poor-law system, as its principal source.

That your Petitioner found the miners of Cornwall and Devonshire earning high wages, and occasionally receiving large sums of money; but nine out of ten of them squandering the whole away, and making no suitable provision for old age or infirmity—a consequence of bad training, deficient education, and poor-laws.

: That your Petitioner, throughout his whole journey, found the condition of the labouring poor wretched in the extreme, and greatly changed from what it was when he made a journey twenty-two years ago for the same end, of inquiring into their condition, through several counties of England, under the auspices of government: he found them now generally deprived of all property, living in ruinous cottages,—willing to work,—no where fully employed, and everywhere, though starving, shivering, and in rags, bearing up under calamity with a peaceable but sinking spirit.

Your Petitioner has narrated these facts, not only on his own account, but that of the paupers of England in general, who, from an erroneous and most unhappy system of management, have been reduced to a state of dependence and misery, the like of which no other people ever experienced, and which loudly calls for inquiry and amendment.

Your Petitioner has been conversant with the condition of the labouring poor of England for upwards of twenty-two years. He has had better opportunities of observing this than any other individual, and by studying the poor-law system practically, as well as theoretically,—as a farmer and labourer, overseer and pauper, at home and abroad, has not only become impressed with a belief that this system requires instant and earnest attention from the legislature, but is confident that safe and effectual plans may be adopted to do it speedily and entirely away.

Your petitioner had long suspected, that great errors of opinion prevailed as to the poor-law system; but the futile attempts at reform made in your Honourable House, during the two last sessions of Parliament, first gave positive proof of this, which proof is now corroborated by the bill now printed (*Mr. Nolan's bill*) for consideration,—a bill which threatens to add confusion to confusion, and wholly overlooks the grand causes of evil.

Your Petitioner asserts, that the paupers of England require substantial benefits and justice, not an enlargement of mere statute law to redress their grievances. The 59th George III. has been extolled as a wise statute, but your Petitioner has found it otherwise. Even from the above narration, it will be found that this statute has strengthened the hands of tyranny, and reposed trust in men, not only having an interest against the poor whom they are appointed to judge and control, but who have proved themselves grossly ignorant both as to the spirit and letter of this very statute. From the above facts, your Honourable House will perceive that the select vestry of Wilby were uniformly in the wrong when disputing with your Petitioner; and your Petitioner asserts, that the magistrates were also in the wrong, when they refused summonses, regularly applied for, to procure the fulfilment of a declared contract. These facts afford a small specimen of the injustice and cruelty which the poor experience in the vestries and courts of Wiltshire; and your Petitioner has witnessed such injustice proceeding to a vast extent, for many years, and without check or remedy, against paupers who were less able than your Petitioner to plead for themselves, and who, of course, became more the victims of tyranny and oppression.

Your Petitioner asserts, that it is a principle of nature and religion that every man should have fair opportunity to earn bread by the sweat of his face: that the 43d Elizabeth corroborates this principle, as have many other more recent statutes: that, in particular, the 59th George III. upholds this, even by authorising land to be appropriated for the special purpose of keeping the poor employed; while, too, statute-law has decreed badges to disgrace idleness; and while the bill now before your Honourable House proposes the same. Your Honourable House can see, from the above facts, that the practice of administering poor-laws is in direct opposition to their theory and letter,—in direct opposition to the duties of nature and religion. From these facts your Honourable House can see that your Petitioner was restricted to the earning of 3s. when he could earn 9s.; and that the tyranny of the overseer and vestry was confirmed by the neglect of the magistrates.

Your Petitioner, in contemplating an efficient change in the system of the poor-laws, would first maintain, that all genuine and solid wealth is derived from labour; and that it is the interest as well as duty of every good government so to provide that labourers should have a sufficiency of the necessities and comforts of life.

Your Petitioner asserts, that in America, even in British colonies, an agricultural labourer can earn wages equal to the value of three pecks of wheat per day; and that, were it not for laws which restrain the importation of corn and transport of men,—corn-laws and emigration-laws,—an agricultural labourer could, in England, earn wages equal to the purchase of two pecks of wheat per day.

Your Petitioner asserts, that, while the price of labour is kept down throughout the United Kingdom by corn-laws and emigration-laws, that in England it is depressed still more under the system of the poor-laws; and that this is evident from the fact, that, while in Scotland common labourers receive from 6s. to 9s. per week, the wages of the same description of labourers in Wiltshire runs from 2s. 6d. to 7s. In Wiltshire, a common labourer, with a wife and four children, had, ten years ago, 19s. 6d. per week; and, latterly, he has not been allowed more than 7s. 6d. a week, by the same rule of the poor-law system.

Your Petitioner asserts, that he himself, living on the earnings allowed by the select vestry of Wily, for three months together, could not afford to purchase a single ounce of butchers' meat, or a drop of beer; and had, by the reduction of his pay from 4s. 6d. to 3s. a week, to lessen his consumption of bread, and live chiefly on potatoes. At the end of three months, your Petitioner found himself unable, from his pay, to have his shoes repaired, and, without an increase, must, assuredly, in the course of a few years, be clothed in rags. Your Petitioner protests against badging for idleness. He feels that a ragged coat would be disgrace sufficient; and he knows that an empty stomach has a natural and excellent effect in quickening industry. He knows that quickened industry can produce wealth, and that national wealth may be most increased by a liberal allowance of pay to labourers; on the contrary, that want of full

employment and fair pay must tend to poverty as well of the nation as of individuals.

Your Petitioner was not bred to labour, and has, by an extraordinary run of misfortune and persecution, been reduced to worse than mere poverty. He is in the 45th year of his age, and has five children; but if your Honourable House would either repeal the corn-laws and emigration-laws, or adopt his proposals for the abolition of pauperism in England, he would most willingly give up his claims on the parish of Wily, both for himself and children, and he would not fear going out into the world to earn a livelihood even by the sweat of his face.

Your Petitioner, therefore, most earnestly entreats that your Honourable House will immediately appoint a commission to visit the parish of Wily; inquire into the deplorable case of your Petitioner, and view the misery which now prevails among his fellow-paupers; listen to what he has to say regarding a reform of the poor-law system; and report the whole to your Honourable House.

And he will ever pray,

ROBERT GOURLAY.

(A. 12.)

To the Honourable the Commons, &c.

THE PETITION OF ROBERT GOURLAY

*And Female Parishioners of Wily, in Wiltshire.**

Humbly sheweth,

That the men of Wily have again and again, during the last nine years, petitioned your Honourable House, in order that the condition of labourers may be ameliorated: that, during last session, three of their petitions were ordered to be printed, (5th, 19th, and 27th June,) and to these your Petitioners would at this time refer.

That the women of Wily have hitherto refrained from publicly joining in prayer for this purpose: but understanding that negro slaves have become special favourites with certain members of Parliament; and that an appeal has been made to the religion, justice, and humanity of the inhabitants of the British empire† in their behalf, they no longer think it improper even for females to petition your Honourable House.

That your Petitioners have learned that negro slaves have not only a sufficiency of land allowed them, free of charges, for the growth of provisions, but twenty-six days of each year, besides Sundays and holidays, for the cultivation of the same; that negro slaves are not obliged to work more hours a day than English labourers; and do not perform, in an equal period of time, nearly so much work; that

* Presented by Sir John Astley, and ordered to be printed, March, 1824.

† Pamphlet by Mr. Wilberforce.

negro slaves are not only able to bring up their children, but are encouraged to marry, and have large families; that negro slaves rear quantities of pigs and poultry, not only for their own use but for sale; and that, with industry and frugality, they may possess sufficient means to purchase up, were they permitted, their children's freedom.

That, during the last fifteen years, the condition of negro slaves has been improved in many respects, while that of English labourers has become notoriously worse.

That, formerly, it was not usual for English women to be subjected to hard labour out of doors during inclement weather; but now some of your Petitioners are obliged, even in winter, to spread manure in the fields, to pick stones for the roads, and do other work ill befitting the female frame, and manifestly at variance with the design of Providence.

That your Petitioner, Robert Gourlay, has lately conversed with women of Compton, a neighbouring parish, who are now, and have long been, employed in repairing the public roads, and who receive only 6d. a day for this employment: that he has heard their sad complaints and anxious desire for milder treatment.

That, on the 19th day of the present month of February, while the air was chilly in the extreme and the ground thickly wreathed over with snow, he, the said Robert Gourlay, travelling in Wiltshire, on the road from London to Bath, saw women spreading earth on the pastures; women planting beans in the dirty ploughed field: and, in one place of the highway, six women together breaking stones for its repair.

That your Petitioners have seen the Report from the Select Committee on the Employment of the Poor in Ireland, and particularly page 182, where the Countess of Glengall declares, that "*the people under the better sort of farmers are worse off than any of the slaves in the West Indies*;" and your Petitioners, from their own experience in the parish of Wily, are too well assured that this declaration may be perfectly correct and true.

Your Petitioners, therefore, most earnestly entreat, that, before the charity of your Honourable House is entirely expended on negro slaves, you will think of doing justice to English labourers, and more especially to females: that you will appoint, without delay, a commission to visit Wily parish, to inquire into the actual condition of the labouring poor, now truly deplorable, so that facts may be better known, and effectual means contrived for relief and improvement. They also entreat that this Petition may be printed for more ready perusal by any committee, commission, or board appointed for the consideration of this subject.

And they will ever pray,
 ROBERT GOURLAY,
 and Forty Female Petitioners.

(A. 13.)

To the Honourable the Commons, &c.

THE PETITION OF ROBERT GOURLAY,

*With Farmers and Labourers of the Parish of Donhead St. Andrew, in the County of Wilts,**

Humbly sheweth,

That seven years ago, when poor rates were high, and the means of paying them greatly reduced, it was proposed that an acre of land should be given for cultivation, free of charge, to each man with a family, who should agree thenceforth to relinquish his claims for relief from the parish of Donhead St. Andrew.

That in this way eleven men were bargained with and accommodated, all of whom have since maintained themselves and families, without further aid from the parish; and thus have the men themselves been better satisfied than formerly, while the parish has been greatly relieved from expense.

That from the experience of all parties in this parish, as well farmers as labourers, during six years' trial of the above practice, it is believed by your Petitioners that the poor every where might be greatly benefited by being accommodated with land for cultivation at spare hours; and that even a single rood for a garden, were it adjoining to the poor man's house, and held in perpetuity for its fair value, would be every way beneficial.

Your Petitioners having heard that a bill is to be laid before your Honourable House, for the better employment and maintenance of the poor, have deemed it dutiful to state these facts; and entreat that this petition may be printed for the more ready perusal of any committee, commission, or board, which may be appointed to consider this subject.

And they will ever pray.

ROBERT GOURLAY,

With twelve farmers and ten labourers with land.

(A. 14.)

To the Honourable the Commons, &c.

THE PETITION OF ROBERT GOURLAY,

With Farmers and Labourers of the Parish of Donhead St. Mary, in the County of Wilts.†

Humbly sheweth,

That the inhabitants of this parish having witnessed for five years, the great benefits both to rich and poor, in the adjoining parish of

* Presented by Sir John Astley, and ordered to be printed, March, 1824.

† Presented by Sir John Astley, and ordered to be printed, March, 1824.

Donhead St. Andrew, resulting from the practice of accommodating poor labourers with a little land, for cultivation at spare hours, it was resolved to grant to each man in this parish, requiring it, a portion of land, not exceeding half an acre, upon condition of paying a fair rent for the same.

That, accordingly, twenty men were thus accommodated; and after more than a year's experience, the plan has been found extremely beneficial to all parties: so much so that your Petitioners are assured, that were even a rood of land allowed to every man adjoining his cottage in every parish, for its fair value and in perpetuity, it would assist greatly, not only in adding to the comforts of the poor, but would tend to the reduction of parish rates.

Your Petitioners having heard that your Honourable House is about to discuss the subject of poor laws and poor relief, have deemed it their duty to state these facts: and to entreat that this petition may be printed for the more ready perusal of any committee, commission, or board, which may be appointed for the consideration of this subject.

And they will ever pray,

ROBERT GOURLAY,

With seven farmers and eleven labourers with land.

(A. 15.)

To His Most Excellent Majesty George the Fourth, Sovereign of the United Kingdom of Great Britain and Ireland, &c. &c.

Edinburgh, May 1st, 1824.

SIRE,

Twenty months have elapsed since a letter written by me, in London, was laid before your Majesty here, and referred to the Colonial Department. May it please your Majesty: it is humbly conceived that this letter was not duly considered, or it would not have been referred; and least of all to the Colonial Department. It appealed to your royal heart, and pledged my honour as a Scotsman, while your Majesty stood on Scottish ground. During three years I had petitioned Parliament and your Majesty in Council for redress of grievances without avail. I had all along been willing to substantiate claims to a hearing, with facts, and reasonings, and witnesses. I troubled your Majesty only after there seemed to be no hope otherwise, and when the heart was warm. At this moment, and in this mood, was it not cruel to be handed over to a department which contained, or was connected with, my enemies? For no mercenary or petty personal consideration did I solicit leave to return to Upper Canada free from arrest; but, for the noblest public objects, and for your Majesty's honour as well as my own. Under the auspices of God, the king, your father, had succeeded in war, and it had become the duty of every one to think how peace could be prolonged and improved. The greatest, the best, the most urgent work of peace, was the reform of English poor-laws, and generally to ameliorate the condition of the

labouring classes throughout the United Kingdom. To this great work I had steadily looked for many years ; and going abroad to Canada, the field of action was widened to view. On this field, to be less than enthusiastic, would have been less than duteous to the great cause of truth and civilization. Look, Sire, to the sketch of North America appended to this letter. Your father lost the best part of that fine country ; but the largest part is still yours. Consider for what end the earth was created, and remember that we have been commanded to replenish and subdue it :—consider that there is room for millions of British subjects, and hundreds of millions yet unborn :—consider that nothing more is required on your Majesty's part, but good will and arrangement to originate a steady flow of emigration to British America, and rapidly to extend cultivation from the St. Lawrence to the Pole.—Look to the extreme point of America, and think how vain it is to seek a passage to the north-west, through the Frozen Sea, when the waters of the St. Lawrence invite to inland navigation, and when the hand of man could easily complete the obvious and great design of nature ; when the redundant population of Britain and Ireland, starving at home for want of employment, could profitably be carried abroad to open a watery way to the Pacific Ocean through the continent of America :—think how it would redound to the glory of your Majesty's reign, to forward a design so truly great, so sure of success, and so big with advantage.

Sire ! look now to the other appended sketch.* It is that of a parish village in England ; and here your labour of love should commence ;—here you should take by the hand the dejected pauper, and lift him above oppression. Here he wants but a rood of land on which to acquire strength ; and thence he could transplant himself into your Majesty's foreign possessions, there to prosper and grow still more strong—there to carry with him loyalty and patriotism. Sire ! look to the cottages on this sketch. These are such as your poorest industrious subjects should be able to erect, and so it may be without encroaching on the rich. It is not from oppression that wealth has its greatest increase, but from well stimulated industry ; and a hope of possessing such cottages would rightly stimulate.—Sire ! were labourers of England in possession of such cottages as these, how glorious would be England's King !

Having waited twenty months without reply from the Colonial Department, may I now entreat that I may be confronted openly and fairly before Parliament, with the Secretaries of that Department, and also with Deputies now sent home from Upper Canada, in the face of whom I shall set forth the mismanagement of that province, and prove that it may be rendered profitable, instead of being, as hitherto, wasteful to Britain. Sire ! you cannot long hold dominion over American provinces, ruled as they have been ; while with libe-

* These were two maps attached to this letter : one of North-east America, (which is here exhibited chiefly for after reference,) and one of the village of Wily, with three plans and elevations of cottages.



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Sire, I am willing to lay before the Home Department a plan for the extinction of pauperism, in connexion with a grand system of emigration : but should do little honour to the King, were I to bow to his servants unassured of the royal regard and confidence, while by his servants I have been cruelly deprived of the dearest right of allegiance. I am, Sire, the father of five children, who, while I was beset in Canada by tyranny and intolerance, were driven from their home by oppression the most ruthless. We have for six years been unhoused; but from the depth of adversity shall not truckle to power, or give the slightest countenance to its abuse. I honour you, Sire, as the King who can do no wrong; I respect you as the head of the British empire; and love you as the successor of Bruce, the champion of my country's freedom : but, for these very reasons, shall adhere more rigidly to principle, and above all to the principle of independence. If I am to receive your Majesty's favour, let me have it within the month this day begun, for now it could be turned to the best account. If I am to receive favour, let me have the appended sketches returned with your Majesty's signature : that of America permitting me to return to Upper Canada free from arrest; that of the village of Wily, to be dedicated to your Majesty as PROTECTOR OF THE POOR.

Meanwhile, believe me, most faithfully, your Majesty's dutiful and loyal subject,

ROBERT GOURLAY.

REPLY.

SIR,

Whitehall, 2d June, 1824.

I am directed, by Mr. Secretary Peel, to acquaint you, that your letter, which you forwarded to him on the 12th ultimo, addressed to the King, relative to poor-law reform and emigration, has been duly laid before His Majesty, and that His Majesty has not been pleased to signify any commands thereupon.

I remain, Sir,

Your most obedient humble servant,

Mr. Robert Gourlay,

H. HOBHOUSE.

13, Clifton Street, Finsbury.

(A. 16.)

To the Honourable the Commons, &c.

THE PETITION OF ROBERT GOURLAY,*

Humbly sheweth,

That he has had many Petitions presented to your Honourable

* Presented by Sir John Astley, and ordered to be printed, June, 1824.

House, regarding poor-law reform : two of which, more particularly, prayed for education to the poor.

Your Petitioner has, for several years, been in the habit of visiting institutions for educating the poor in London, and elsewhere, of all which none has claimed attention equal to infant schools. These can be erected and maintained at little expense : in their management no dispute can arise as to religious principles ; and by means of them such excellent effects are produced on the tempers, dispositions, and habits of children, that they require only to be viewed to be admired and countenanced.

Your Petitioner has long thought and said, that with the mere patronage of government, an infant school could, by voluntary subscription, be established in every parish throughout the kingdom, in the course of twelve months ; and he is assured that such establishments would form the best basis for a general and complete reform of the poor-law system.

He, therefore, entreats that your Honourable House will address His Majesty to the effect, that such patronage may be obtained, and proclaimed under the royal signature. Also, that this petition may be printed for perusal of any committee, commission, or board, having for consideration the subject of poor-laws.

And he will ever pray,

ROBERT GOURLAY.

(A. 17.)

To the Honourable the Commons, &c.

THE PETITION OF ROBERT GOURLAY,

*And other Parishioners of Wily, in Wiltshire.**

Humbly sheweth,

That a Petition was presented to your Honourable House the 28th day of February, 1817, signed by your Petitioners, and received. That the same, modified, was again presented and received by your Honourable House the 25th of June, 1822, from which the following are extracts :—

“ Your Petitioners conceive that there exists no mystery as to the grand cause of the present distress. Excessive taxation, for a long period of years, has not only wasted the productions of industry, but the funding system has registered the price of these wasted productions as a debt to be discharged by industry ; while industry, deprived of the excitements which extraordinary circumstances afforded, has ceased to be able for such a discharge. Under these changed circumstances, your Petitioners have marked, for the last three years, a fatal blindness to consequences, and have beheld, with sorrow, principles assumed and acted upon with

* Presented by Mr. Coke, June 10, 1824, and ordered to be printed.

" a design to remedy impending evils, not only of a narrow and
 " selfish character, but palpably inadequate to the end in view.
 " Your Petitioners conceive that the first step which should have
 " been taken, after peace deprived this country of its monopoly of
 " trade, and the peculiar incitement to industry created by war and
 " extraordinary circumstances, was to have withdrawn those taxes
 " which most directly bear upon the necessaries and comforts of
 " life, and to have substituted, in their place, taxes on idle property
 " and great incomes accruing from the same. Such measures would
 " not only have been politic and just among individuals, but their
 " adoption would have at once enabled our industry to cope with
 " that of other nations, and would have upheld that due degree of
 " confidence in substantial stock, which was clearly wanted to main-
 " tain a balance against the dangerous influence of funded property,
 " whose immediate security does not rest on the success of trade
 " and industry, but in the power of taxation, and whose pressure
 " increases as the strength to bear it is diminished. Your Peti-
 " tioners hoped that time and approaching ruin would not only have
 " opened the eyes of all to the real situation of affairs, but have
 " made it the first duty of Ministers to have declared the truth; and
 " to have quieted the public mind by an assurance of instantly
 " altering the scheme of taxation. With utmost dread, however,
 " have they now heard the royal speech proclaiming that the evils
 " which assail the country spring from temporary causes, and from
 " the transition from war to peace. Your Petitioners, being mostly
 " labourers and poor men, have comparatively little interest in the
 " fate of property, but, as sincere friends to peace and good order,
 " they wish to see that which regulates all the commercial transac-
 " tions of men, and which is necessary to give incitement to industry,
 " kept in its proper place: they wish no longer to see real property
 " swallowed up and endangered by a bubble, whose increase, under
 " existing circumstances, must rapidly tend to explosion, and whose
 " explosion can leave nothing behind but wretchedness and woe.
 " With a change in the scheme of taxation, your Petitioners have per-
 " suaded themselves that certain proposals, if adopted, would co-
 " operate immediately to revive the industry of the country, and, in
 " a short time, do away all necessity for poor-laws and poor-rates.
 " These proposals are—

" 1st. That in every parish, not comprehended in nor containing
 " a town of more than one thousand inhabitants, Government shall
 " take possession of one hundred acres of land, being the nearest
 " clear land to the respective parish churches, and otherwise best
 " suited to the purposes in view.

" 2d. That Government shall pay to the owners of such land its
 " fair estimated value, raising one-half of the whole estimated means,
 " for this purpose, by a rate similar to a poor-rate, only that owners
 " of property shall be assessed instead of tenants, these latter being
 " obliged to pay legal interest to the former, during the currency of
 " existing leases, upon the amount of assessments raised from their

“ respective holdings ; the other half of their whole means to be
 “ obtained by loan, so calculated as to be liquidated by rents and
 “ purchase-money mentioned below.

“ 3d. That each hundred acres shall be divided into equal parts,
 “ as to extent, and in such manner as shall best suit purposes in
 “ view.

“ 4th. That one of these parts, in each parish, shall be enclosed,
 “ and otherwise in the best manner improved for the purpose of a
 “ common pasture, to remain so for ever.

“ 5th. That the other half shall be divided into half-acre allot-
 “ ments ; making one hundred allotments in each parish.

“ 6th. That the present inhabitants, male parishioners of such
 “ parishes, shall be allowed immediately to occupy the allotments,
 “ one each : the choice of allotments to proceed by seniority.

“ 7th. That, where the present inhabitants of parishes are not
 “ sufficiently numerous to occupy all the allotments of their re-
 “ spective parishes, other persons shall have a choice, seniority
 “ and proximity giving a preference while any allotment remains
 “ unoccupied.

“ 8th. That each person, when he takes possession of an allotment
 “ shall thereby bind himself to pay 40s. a year rent for the same,
 “ and at all times to keep it in good garden culture. A person thus
 “ paying rent shall be styled a parish-holder.

“ 9th. That, as long as these conditions are fulfilled, no parish-
 “ holder shall be disturbed in nor turned out of his allotment ; and,
 “ at his death, his son may occupy in his stead, if twenty-one years
 “ of age : an elder son having priority of choice to a younger son ;
 “ and, failing sons, the choice of occupancy shall proceed to the
 “ nearest male relation before it falls to the public.

“ 10th. That, as soon as any parish-holder shall have paid into a
 “ savings' bank, to be for that purpose established by Government,
 “ the sum of £100, he shall have a cottage built on his allotment to
 “ that value, he having the choice of a variety of plans for the
 “ construction of the said cottage.

“ 11th. That neither the money deposited in the bank for the
 “ above purpose, nor the property of the cottage, when built, shall
 “ be attachable for debt, nor shall they affect any claim for paro-
 “ chial relief due by existing laws. A person, when possessed of a
 “ cottage, in this manner, shall be styled a cottage-holder ; and, at
 “ his death, his cottage-hold shall go to the nearest heir male, as in
 “ the case of the parish-hold, with this difference, that the heir
 “ who takes possession shall pay to the relations equally near of kin
 “ with himself to the deceased, male and female, or to the nearest
 “ of kin, female relation or relations, if such there be nearer than
 “ himself, to the exclusion of others, a certain value for the cottage ;
 “ and, in case no heir takes possession to fulfil these terms, then
 “ they may be fulfilled by other persons who may desire possession,
 “ and whose claim to possess shall be regulated by proximity
 “ and seniority : but, if neither relations nor others shall claim pos-
 “ session, then the cottage-hold shall revert to Government, from

" whom heirs shall receive the value of the cottage, and the cottage-hold shall be open to public purchase or exchange.

" 12th. That, as soon as a cottage-holder shall have had no relief from the parish for the space of two years, he shall be entitled to vote in the parish, and have a right to pasture a cow on the common. He shall be styled a freeman.

" 13th. That, if a freeman shall throw himself for relief on the parish, he shall lose that designation, his right to vote, and pasture; nor shall he recover these till he has lived five years without parochial aid.

" 14th. That, as soon as a freeman has paid into the bank the sum of £60, the same shall be received by Government as purchase-money for his allotment; shall free him from the yearly payment of rent, and make him eligible to parish-offices. He shall be styled a parish-freeholder: succession to be regulated as above.

" 15th. That all sales and exchanges shall be made through public medium; and, at once to facilitate and regulate these, there shall be corresponding registries,—parochial, district, county, and national.

" 16th. That no person whatever shall possess, either in one or more parishes, more than one holding; and no person shall have a choice, nor be allowed to purchase, under twenty-one years of age; but a heir male shall be allowed, while a minor, to hold possession, although he shall have no vote nor be eligible to offices till he come of age; provided always that none of the relations, entitled, as above, to a share of the valued property, become chargeable to the parish while their share is unpaid, nor the heir himself, for, in such cases, the holding shall revert to public possession, and the residue only, if any, of the value of the cottage and freehold be paid to the heir or heirs, after the parish charges for maintenance have been deducted.

" Although your Petitioners frankly submit these proposals to the consideration of your Honourable House, they do not press their adoption in the letter. Your Honourable House may see fit to modify the scheme: the common pasture may be dispensed with, and the number of allotments may be increased, diminished, or regulated, as circumstances may require. Your Petitioners chiefly insist that it is essential to the abolition of pauperism in England, that an opportunity may be afforded for the labouring people to acquire property and personal freedom, both which they have lost through the operation of the poor laws, and which they can never regain, under existing circumstances. To afford half an acre of land to all who require it would not require an hundredth part of the national territory, and when it is considered that the poor once possessed many houses and gardens in every parish, and enjoyed all over England extensive common-rights, of which, in many cases, they have been unjustly deprived, such restitution must seem far from extravagant or unreasonable. Your Petitioners, though they most earnestly wish to see a wise reform of Parliament, do not wish the parish vote to qualify directly for

" parliamentary election, and they positively disclaim and renounce, what is commonly understood by universal suffrage. They feel that the mass of the people never could be competent sufficiently to estimate the comparative merits of persons aspiring to a seat in Parliament, although they could well judge which of their fellow-parishioners were most worthy of offices and trust, within their respective parishes, and which of them might be best qualified to act as parish deputies, at district or county meetings, whether assembled for parliamentary election or other business.

" Your Petitioners, therefore, most earnestly entreat, that your Honourable House will immediately withdraw all taxes on malt, salt, soap, candles, leather, bricks, and tiles; contract no more debts, pay all national charges, unprovided for by an assessment on rents and interest of money increasing the ratio of assessment upon great incomes derived from the same. That, having done this, your Honourable House will take into most serious consideration the above proposals, and particularly that you will so enact, that every British subject, grown to man's estate, shall have an opportunity of occupying half an acre of land for its value, whereon he may establish his freehold."

Your Petitioners, having reconsidered the above extracts, would again desire it to be understood, that they do not wish to press the adoption of their proposal in the letter:—that they wish not to dictate, but to originate inquiry; and they are now more earnest, seeing that attempts have been made in this and the two former sessions of Parliament, to reform the system of the poor-laws without success. Your Petitioners are now convinced that a rood of land, Scotch measure, would be sufficient for each man to possess, instead of the half acre above mentioned, and for which he could afford to pay twenty-five shillings. They are now convinced that the hundredth part of the land of every country parish would be sufficient and proper for government to purchase up, and appropriate to this purpose.

They now, therefore, entreat that the whole of these premises may be taken into the serious consideration of your Honourable House, and that this petition may be printed, for the perusal of any committee, commission, or board, which may be appointed to investigate the subject of the poor-laws.

ROBERT GOURLAY,
And others.

(A. 18.)

To the Honourable the Commons, &c.

THE PETITION OF ROBERT GOURLAY,
*And Parishioners of Wily, in Wiltshire,**

Humbly sheweth,
That your Petitioners have looked upon the following words, as

* Presented by Mr. Scarlett, and ordered to be printed, June, 1824.

part of a speech, purporting to be the King's speech, read by commission to Parliament, at the commencement of the present session; viz. "—the growth of the revenue is such, as not only to sustain public credit, and to prove the unimpaired productiveness of our resources, but (what is yet more gratifying to His Majesty's feelings) to evince a diffusion of comfort among the great body of the people." Your Petitioners, considering the august quarter from whence these words have emanated, and highly respecting the same, do, nevertheless, think it their duty still more to respect and maintain truth. It *may* be true that public credit is sustained by the growth of the revenue; it *may* be true, that the productiveness of resources is unimpaired; but your Petitioners suspect that this state of things may exist, while comfort is not diffused among the great body of the people; and they do positively assert, that comfort is *not* diffused among the great body of the people of Wily parish. This parish contains four hundred and fifty people. Of these there are a curate and eight other persons living on tithes, rents, and interest of money, who, with their families, amount in number to thirty-four; and, who, undoubtedly find times better now than formerly; their incomes being undiminished, while necessities of life are cheaper. There are seven farmers, who, with their families, amount in number to forty-one: they notoriously have been losers for many years, and still struggle with difficulties. There are three innkeepers, one miller, one butcher, one baker, two shopkeepers, two carriers, a schoolmaster and schoolmistress, who, with their families, amount in number to fifty-two; and who, upon the whole, have experienced no increase of comfort: dull trade and bad payments balancing the advantage of cheaper necessities. There are three carpenters, three blacksmiths, one mason, four shoemakers, and one tailor, who, with their families, amount in number to thirty-nine, and whose circumstances have remained nearly stationary, in like manner as those last mentioned. But the chief end of this petition, is to set forth the condition of the labouring poor, of whom there are sixty-one families, and two hundred and eighty-four individuals: of these, three-fourths are now reduced to the lowest stage of poverty, last year having been the most severe ever experienced by them; and last half-year more severe than that which preceded it. Your Honourable House has, of late, been supplicated from all quarters in behalf of negro slaves; but your Petitioners are well assured that negro slaves are much better provided for than English labourers. Your Honourable House has, of late, been moved to compassionate and protect from cruelty the brute creation; but your Petitioners are assured that few indeed of the brutes are so stinted of food as are many of your Petitioners, or so cruelly treated. Even wild animals can bring up their young unassisted, which the labouring poor of Wily are now unable to do. Through the influence of the poor-law system, the wages of common labourers are now subjected to rules, over which they have no control; and under which no exertion of theirs can improve their condition. Under this system, married labourers can no longer move from place to place in quest of

employment ; and it is impossible for the stoutest and best behaved to bring up a family of more than two children, without parish assistance. Under this system, those who apply to the parish for relief, are here allowed as follows :—a man, the price of a gallon loaf, and sixpence per week ; a woman, or child of above twelve years of age, the price of a gallon loaf and fourpence ; children, from eight to twelve years, the gallon loaf and twopence ; and children under eight years of age, the gallon loaf : allowances wholly inadequate to sustain health and vigour, unless when the price of bread is above an average rate ; when the loaf was three shillings, a man with a wife and four children, had nineteen shillings and sixpence per week ; but of late, it has been as low as one shilling, and then the same family had but seven shillings and sixpence per week. During last winter, when the gallon loaf was one shilling and fivepence, and eighteenpence, a common labourer had but six shillings a week : and some had to maintain out of this, a wife and two children ; while they paid forty shillings for house-rent, and as much for fuel.

Your Honourable House must be sensible, from consideration of these facts, that the condition of the labouring poor in this parish is truly deplorable, and calls loudly for improvement. Your Petitioners have heard that a committee is about to be appointed, partially to inquire into the condition of labourers ; but they have no hope from partial measures. They are assured that the system of the poor-laws is fundamentally vicious, and requires to be wholly changed. They believe that the first step should be to inquire minutely into facts and circumstances—to examine, not only the payers of rates, but the poor themselves—to visit them in their cottages ; there to hear their complaints, and see their condition.

They now, therefore, most earnestly entreat, as they have before entreated, that your Honourable House will, without delay, appoint a commission to visit Wily parish for this purpose. Also, that this petition may be printed, for the more ready perusal of any committee, commission, or board, which may have for consideration the subject of poor-laws.

And they will ever pray,
ROBERT GOURLAY,
 And fifty-eight other subscribers.

(A. 19.)

IN CHANCERY.

Between **ROBERT GOURLAY**, *Plaintiff.*

^{AND}
 The Most Noble Edward Adolphus **DUKE OF** } *Defendant.*
SOMERSET, }

To the Right Honourable the Lord High Chancellor of Great Britain,

The humble Petition of the Plaintiff,

Showeth,

That your Lordship delivered judgement in this cause, the twenty-

eighth day of January, 1824; and, on the same day, the Plaintiff received a letter from the Solicitors of the Defendant, of which the following is a copy:—

“ Lincoln’s Inn, January 28, 1824.

“ Sir,

“ We are desired by the Duke of Somerset to inform you, that it is his intention to lodge an appeal to the House of Lords, immediately, from the decision given by the Chancellor, this morning, in the cause between you and his Grace.

“ Your obedient Servants,

“ Mr. Robert Gourlay.”

“ MOORE and LAKE.

That the Plaintiff had reason to expect advantages would result to him from the appeal to the House of Lords; and did not, in consequence of the above letter, proceed farther in the lower court, either for a re-hearing or otherwise.

That the Plaintiff, believing an appeal was actually lodged in the House of Lords, did, towards the end of last session of Parliament, put into the hands of the Earl of Eldon (your Lordship) a Petition, to be presented to the Lords, praying that the question might be advanced; but received back the same from Mr. Pensam, your Lordship’s secretary, with an intimation that no appeal had been lodged.

That the Plaintiff is, in consequence of delay and uncertainty, kept in a state of ruinous suspense, being, thereby, wholly unable to form any plan, or set about any pursuit, for a livelihood; nor could he, but for the security, quiet, and retirement of a prison, in which he is now lodged, be able to manage his affairs in any way.

That the Plaintiff, thus situated, conceives that your Lordship may condescend to re-view and re-consider the whole cause, its rise, progress, and object; and, to this end, he now begs leave to submit the following facts, extracted from the Petition which was drawn up for presentation to the House of Lords, viz.:—

That, in the year 1802, the Duke of Somerset did, by personal correspondence, invite farmers, from Scotland, to occupy his estates in England, for the declared purpose of introducing thereon improved husbandry.

That, in the year 1803, the said Duke, having received assurance that your Petitioner was highly qualified as an agriculturist, did express a desire to have him as a tenant; and, in 1804, offered him a farm in Wiltshire.

That it was not convenient for your Petitioner to take this farm; but, in 1809, being advised to move into England, because of his health, and having other objects in view, he acquainted the Duke of Somerset that he would then take a farm, and being offered a lease of Deptford Farm, belonging to his Grace, agreed for the same; the rent being fixed by the Duke’s surveyor, and the agreement written by the Duke’s solicitor, which was mutually subscribed by his Grace and your Petitioner.

That your Petitioner, putting faith not only in the written agree-

ment but other declarations of the Duke of Somerset, brought to Deptford Farm, from Scotland, servants, horses, and implements, all of a superior kind : that he improved the farm to such a degree, that judges, appointed by the Wiltshire Agricultural Society, gave their written testimony that not one in ten thousand had done so much : that he gained premiums from the Bath as well as from the Wiltshire Agricultural Society for the best ploughing and the best crop ; and, in short, performed, in every way and in the best manner, not only the stipulations of the written agreement, but those that were otherwise clearly understood.

That, nevertheless, the Duke of Somerset disputed the validity of the agreement ; quarrelled with your Petitioner on its terms ; and, while he did not perform his duty to your Petitioner, seized and sold his stock for rent, which could not be paid from the farm-produce, because of the non-fulfillment of the agreement on the Duke's part ; and which your Petitioner, being distant from friends, could not otherwise safely and conveniently pay.

That the Duke of Somerset, after doing this, gave your Petitioner notice to quit the farm ; and left him no other shift but to file a bill in chancery for specific performance of the agreement ; which he did in 1812.

That your Petitioner obtained an order in Chancery for a lease ; gained from the Duke of Somerset, in one issue-trial, one hundred pounds for non-performance of agreement ; and, on another issue-trial, thirteen hundred and twenty-five pounds for buildings erected in terms of the agreement ; besides three hundred and eighty-five pounds of costs and interest.

That, in 1815, your Petitioner's father having failed, and all his prospects in life being thus changed, he resolved to go out to Canada, where he had landed-property and friends, in order to see whether he might not remove his family thither, after sub-letting Deptford Farm, which he had a right to do, or agreeing to give up his lease to the Duke of Somerset.

That your Petitioner sailed from Liverpool in April, 1817, intending to be again in England in six months : that he left not a single penny due to any person in Wiltshire : that he left all his affairs in the very best order, under the management of the best and most faithful servants : that he left, in the hands of his solicitor, rent to be paid when demanded by the Duke of Somerset (which was demanded and paid) : that he placed, with a friend, five hundred and forty pounds to be divided among creditors ; and, as his last piece of business, made offer to the Duke of Somerset to give up his lease of Deptford Farm, upon submission of terms to gentlemen mutually chosen.

That your Petitioner, on getting to Upper Canada, was seized with an ailment which confined him to the house nearly two months, and prevented his getting home at the appointed time.

That the Duke of Somerset, having first refused the offer of your Petitioner to give up the farm, did, at Michaelmas, 1817, while no rent was due by the custom of the country, and while he was in-

debted to your Petitioner about one hundred pounds more than the amount of any rent which could, by the strictest interpretation of agreement, be claimed, demand rent from the wife of your Petitioner, and beset Deptford farm-house with bailiffs for upwards of a week.

That, though the wife of your Petitioner did, by borrowing money, pay the Duke of Somerset's demand, with expenses of distraint charged in addition, she was, by this most cruel and unnecessary conduct of the Duke of Somerset, panic-struck, and in panic abandoned the farm, contrary to the instructions and wishes of your Petitioner, and while it was impossible for him to get home in time to stay proceedings.

That your Petitioner's wife, though one of the best and most accomplished of women, did, under the continued influence of panic and dread, trust the settlement of his affairs to people who had no interest whatever in his welfare, and wrote letters to Canada, giving assurance that all was managed for the best:—that your Petitioner, being unavoidably detained in Canada six months after his stock and farm had been in the possession of his successor, and after this person had commenced the operations of a second year, being deluded with reports sent from home, and still more with an assignment subscribed by his solicitor, did, without suspicion or due consideration, put his name to the same, by which his lease was conditionally made over to the person in possession of the farm:—that, after this, he was forcibly detained abroad, and did not get home till December, 1819, when he discovered, for the first time, that his lease, which he had valued at three thousand pounds, had been given away for nothing; that his stock had been valued at half its worth, and that half put into bond for the security of his successor in the farm:—that his lease had been assigned away while it was not yet settled by the Master in Chancery:—that the Duke of Somerset had objected to the assignment, and had further resumed the suit in Chancery by an appeal from the judgement of the Master of the Rolls to the Chancellor,—in short, that his affairs were not only in the most dreadful state of confusion, but that he had not a penny left in the world at his disposal.—That, in this situation, your Petitioner suffered his household-furniture to be sold to pay law-expenses in meeting the Duke of Somerset's appeal:—that, the cause coming on for a hearing in 1821, fees for pleading were paid out of this fund, but without avail, the Duke of Somerset failing to appear in court, and afterwards, finding excuse for not appearing, got liberty to go on with the suit for a mere deposit of ten pounds, and when your Petitioner's monied means of opposing him were exhausted.

That, in 1823, the cause came on for a hearing, when the Duke's Counsel declared to the Lord Chancellor, that "*it was not a question of re-payment, but whether his noble client should sit down under the obloquy of having oppressed and persecuted a private individual.*" That your Petitioner then pled his own cause, and, in January, 1824, obtained a judgement in his favour.

With the above facts substantiated, it is conceived that no doubt can be entertained but that the conduct of the Defendant has been, throughout, malicious, and intended only to ruin the Plaintiff:—that

the appeal from the judgement of the Master of the Rolls was, under all circumstances, a most glaring proof of this, and, still more so, the threatened appeal to the House of Lords. Seeing that the lease is not yet obtained, which was the main object of the suit,—seeing that the Plaintiff was abroad, and unavoidably detained there when the Master's report was made,—seeing that, by being abroad, the Plaintiff lost opportunity to enter an appeal, on his part, from the judgement of the Master of the Rolls, which might have gained him re-payment of a large sum of money expended on the buildings of Deptford-farm,—seeing that his whole property is out of his hands, and that they who hold it are unwilling to render up the same,—seeing that the Plaintiff was bred to farming, and has no other way of providing for himself and family,—seeing that he and his friends have expended not less than ten thousand pounds from being connected with Deptford-farm,—and, lastly, seeing that, by extraordinary distress, he has, in various ways, been unable to maintain his plea regularly and with full effect;—seeing all this, and considering the above facts and circumstances, it is now hoped that your Lordship will devise means by which the ends of justice and equity may yet be reached,—by which the Defendant may be made to answer for his malicious conduct,—by which the Plaintiff may recover possession of his farm, only conditionally let,—by which his bonded property may be restored,—by which he may be rescued from the gripe of oppression, and be able to rejoin his family, from whom he has been separated upwards of seven years, owing to this cause.

He, therefore, entreats that your Lordship will direct that he, the Plaintiff, be visited, examined, and assisted.

And he will ever pray,
ROBERT GOURLAY.*

* The above Petition was included in one presented to the House of Commons, by Mr. Bennett, March 22, 1825; and to the House of Lords, by the Earl of Eldon, the 24th of the same month, thus:—

To the Right Honourable the Lords Temporal and Spiritual of the United Kingdom of Great Britain and Ireland, in Parliament assembled,

THE PETITION OF ROBERT GOURLAY

Humbly sheweth,

That your Petitioner delivered to the Lord Chancellor a Petition, of which the following is a copy:—

(The above taken in).

That, in answer to the above, a note was received on the 15th of December, 1824, acquainting your Petitioner that the Lord Chancellor could “direct no judicial proceeding upon it.”

That your Petitioner having been advised by the Lord Chancellor's Secretary to consult counsel as to his conduct in this business, applied to two eminent barristers, but could, without payment, obtain no advice from them. That he has since gone before visiting-magistrates, in the House of Correction, Cold-bath-fields, where he is now confined, expressing a desire to take the oath of poverty, by which he might be enabled to proceed *in forma pauperis*; but was informed that they could not administer the oath; and that it would cost thirty shillings to procure a writ of *habeas corpus*, to make affidavit elsewhere, a sum which, without borrowing, he cannot command.

Copy of a Letter to the Lord Chancellor, with Papers committed to his Lordship's care in August, 1823.

*House of Correction, Cold-bath-fields,
September 6th, 1824.*

My Lord,

It was not my intention to trouble you further, but Mr. Pensam called upon me here, last Thursday, holding in his hand my letter to your Lordship, of 29th ultimo, to say, that your Lordship had no recollection of my letter of August 9th, 1823; nor of the papers which accompanied it. He also said, that they were not in his possession.

In consequence of this, I have hereunto annexed copies of the letter and papers, together with a second letter to the King, laid before His Majesty last May. Should your Lordship think fit to lay the whole before the King, for *actual perusal*, I shall be happy to enter into explanations of the vast scheme of connecting poor-law reform with emigration, which has engaged my thoughts for seven years, and which no other person seems to have contemplated, though of the utmost consequence to national welfare. After the American war, Mr. Oswald, a London merchant, was entrusted with settling the boundaries between the United States and Canada. He gave away territory equal in extent to the then settled part of the United States, which might have been retained; and afterwards shed tears for his error. Present ministers have agreed to sell to a company the government reserves of Canada and half the church lands, without consulting Parliament, or duly considering the good which might accrue to England, from judicious management and due preparation. If you think these hints of no value, and my papers unworthy of being laid before the King, I shall be glad to have this

That the farm in question was surveyed in the month of January last, by two experienced agriculturists, who have made oath, that the remaining six years of the lease is worth twelve hundred pounds.

That your Petitioner is willing either to receive this sum in compensation for the remaining term, or to re-enter the farm; but has no means of bringing the occupier to a settlement of any kind; nor even to make him account for rents payable, which he has lately refused to do, while the Duke of Somerset is still more unreasonable and unwilling to accommodate.

That, even although your Petitioner could command money for defraying law charges, or be admitted to plead *in formâ pauperis*, such has been his experience of Chancery practice, that, without reform in that court, he can have little hope of benefit, even though he ultimately succeeds at all points, as he has hitherto done.

That thirteen months ago, he prepared a petition to the House of Commons, with a view to the reform of Chancery practice; but seeing that a commission was soon after appointed to inquire into the same, his petition was not presented.

That his present object is to show how very cruelly he is situated, and how urgent is his case, so that your Lordships' House may stimulate the energies of the Chancery commission, and hasten its report on the subject of delays in that court, so notorious and so fatal to justice and equity.

He, therefore, entreats that the whole of these premises may be seriously considered by your Lordships' House.

And, as in duty bound, he will ever pray,
ROBERT GOURLAY.

with the annexations, written on the twenty-six following pages, returned to me in the course of ten days. I think the whole of such consequence, that I shall subscribe this before witnesses, and am

Your Lordship's obedient servant,
ROBERT GOURLAY.

Witness to the signing } Signed, Wm. J. Humphrey.
hercof, } Thos. Carlos.

To the Right Honourable the Lord Chancellor.

13, Clifton-street, Finsbury,
9th August, 1823.

My Lord,

I am waiting here with great anxiety for the hearing of my cause against the Duke of Somerset. Last Saturday, you said you would name a day for it, and a clerk of the court, to whom I gave my address, promised to inform me of this; but it is now the evening of another Saturday, and I am without intelligence. I am quite ready to proceed with my replies to the Duke's counsel, and shall appear in court on Monday, hoping that you may name Tuesday for the hearing. I have become apprehensive, from the week's delay, especially as you close your sittings by the 16th inst., that you may be labouring under mistake regarding my wishes in this business. I heard very little of the observations which you delivered after I had read in court my preparatory papers; but from the newspaper reports I learn, that you said my papers might have been read to any other person in the kingdom with equal propriety, as to your Lordship: also, that your Lordship advised parties to come to a settlement of disputes by arbitration, and that Mr. Hart replied, he could not submit the question before the court. Let it, then, be understood clearly from me, that I did not, and do not, wish to submit the particular question now before the court to arbitration: I wish that to be decided by your Lordship, and as speedily as possible. The object I had in view, by reading the papers above-mentioned, was to show, that beyond that question there was a vast complication in my affairs which could only be settled by arbitration, and such arbitration I entreated your Lordship to recommend for the benefit of my creditors. I said, that, after the question before the court was decided, I should be happy to leave all the rest to be settled by the Duke of Somerset and my creditors, for a mere discharge from all parties. I said, that I would go contented without a farthing to myself, and should value the determination of the particular question before the court only as it would do me good in point of character, which was important, as nothing else but good character could enable me again to rise in the world, and provide for my children.

Beyond this, there was another and a distinct object which I had in view by reading my papers in open court to your Lordship: and looking to this, no other man in the kingdom can assist me but yourself.—A world of calamity has grown up to me out of cruel, and unnecessary, and illegal treatment which I experienced in Upper Canada. In the last, and three preceding, Parliaments I petitioned

the House of Commons, with a hope of obtaining inquiry into my deplorable case, but without avail; and, at last, Mr. Hume refused to present a petition for me, as hopeless. I am not willing to give up hope, for I feel my happiness in life at stake. The petition which I did not get presented, prayed for an address to the crown in my favour. That petition accompanies this letter, together with a letter to the Attorney-General, which I read in court to your Lordship. This letter and petition, with my letter to your Lordship of March last, give at once a sad picture of my misfortunes, and tell the whole story of them. Should your Lordship decide in my favour, against the Duke of Somerset, I am sure you will then be sensible of the horrible vexation to which I have been exposed, not only in losing Deptford-farm and my stock upon it, but in being harassed for six years with unnecessary litigation. In that case, may I ask if your Lordship, who have at all times access to the King, will lay before him, for *actual perusal*, the petition and two letters above-mentioned? I cannot believe it possible, that if His Majesty really knew my case, that he would refuse an order for inquiry into it, by which I might have redress for the injury I have sustained from the cruel treatment in Canada, and which has been the cause of all my misfortunes.

After reading this letter, I wish you not to give another thought to the subject, till after you have decided on the question before the court. I wish you not even to read the papers accompanying this till after that decision; but I wish you to understand, that if the decision is favourable to me, I shall then take the liberty of again addressing your Lordship with regard to them, and the object I have in view.

I have the honour to be, my Lord,

With high respect,

Your obedient servant,

ROBERT GOURLAY.

To the Lord Chancellor.

PRIVATE.

Berwick-farm, near Hindon, Wilts,
12th March, 1823.

My Lord,

I am a man "acquainted with grief," and that grief has been aggravated not a little by your Lordship, and the court over which you preside.

In the year 1809, invited by the Duke of Somerset, I came to England, and bargained with him for a lease of Deptford-farm, in the parish of Wily. An agreement was drawn out, by the Duke's solicitor in London, for a lease. This solicitor assured me, that he would see me through any court in England with that agreement, and I set my name to it, below that of the Duke of Somerset. After I had laid out upon the farm several thousand pounds, His Grace gave me notice to quit; and I, consulting counsel, was advised to file a bill in Chancery for specific performance; for I was now told that by a process in that court only, would the agreement avail.

which was far different from the impression made upon my mind by the assurance of the Duke's solicitor. I carried my point, and had an order from the Master of the Rolls for a lease. I had more: I had an order for two issue trials, to recover money due to me by the Duke of Somerset. I gained both; and the money, to the amount of about £1400, besides costs and interest, was paid to me. My father, on whom I was dependant, having, in the mean time, failed, I went to America, to provide an asylum for my family, in the event of being forced out of Deptford-farm, for want of stock. While I was in America, my wife's brother interfered with my business; and not only without my leave, but in the face of good arrangements to the contrary, and while I had rational hope of retaining my farm, prevailed with my wife to abandon the farm, and deliver it, with my stock, over to another farmer. An assignment of the lease was then sent over to me for my signature, subscribed by my attorney, and to this I put my name. Immediately after this was returned to England, I was detained in America by shameful arrests and imprisonments, so that I did not get home till twelve months after I had despatched the bond of assignment. On getting to England, I found, to my great surprise and sorrow, that my attorney had led me to make away my lease by assignment, before my dispute with the Duke of Somerset was closed; and while the lease was yet unsigned by His Grace. I found that it had been made over to my successor, without a farthing of remuneration to me, though I had valued it, even under the Duke of Somerset as a landlord, at £3,000. I found, too, that my stock had been given away for half its worth: and, worse than all, that the sum at which it was valued (about £1,500) had been put in bond, to secure to my successor the possession of the farm, while the Duke of Somerset had appealed to your Lordship from the judgement of the Master of the Rolls. Finding myself not only ruined, but chained down to the most cruel responsibility, I endeavoured to get my creditors to unburden me, and to settle with the Duke of Somerset. I could not prevail with all, but I got part of them to agree to an attempt. They employed one of themselves, who was an attorney, in Edinburgh, and he corresponded with an attorney in London. I, myself, being in London, was apprized that the cause in court—the Duke's appeal—was about to come on, and, writing a letter to the first-mentioned attorney on the business, had my letter returned in a blank cover. I then informed my creditors, that the cause stood on the list for a hearing, and that I should defend the suit. The cause came to a hearing some months afterwards. I appeared by counsel, but not the Duke of Somerset; and it was supposed that the appeal was relinquished. I then desired my solicitor in court to write to the Duke of Somerset, that I was ready to come to an amicable adjustment of all differences; but the solicitor dissuaded from this, and the Duke soon after made affidavit that he had been ignorant of what had been going on in your Lordship's court. In fact, he had been deceived, unknown to me, by the attorneys. He had been made to believe that these attorneys were corresponding with each other and with him, under a regular assignment of me to my creditors. I should always have been glad to get

get quit of the whole concern, had my creditors agreed to give me a discharge, and free me of responsibility; but this they would not do, and I remained bound, in duty to myself and them, in seeing that all was conducted safely and well. The transaction which did go on was altogether incomplete: no assignment from me to my creditors had been made out, while the conduct of the attorneys was irregular, and their statements unwarranted; while, too, one of them had an interest in confusing my affairs.

I am now a pauper, and having received notice that the cause is to be spoken to and is on the paper, have no other way of defending against the Duke of Somerset's appeal but *in formâ pauperis*. I now, therefore, entreat that your Lordship will so order that justice may be done, and that I may have fair opportunity to plead. I know my business well—better than any counsellor or attorney, but am ignorant of forms, and claim your Lordship's best indulgence. I have no interest but that of my creditors to look to—nothing to save to myself but honour; and as I hold that dear, so shall I struggle for it. If my creditors would still agree and give me a discharge, they should be heartily welcome to treat with the Duke of Somerset to their liking. I have, indeed, said publicly, and I shall say it again now, that I am willing to strip off my coat and give them that with all else of mine which is seizable for a discharge—for freedom to go safely out into the world, to provide food and raiment for myself and five children.

My Lord,—I had written the above, when a newspaper was laid before me containing a paragraph which narrated proceedings before your Lordship. "*Gourlay v. Duke of Somerset*," on the 26th ult. In this paragraph it was stated, that the Duke of Somerset had applied to the court for a final adjustment with me, because of my being reduced to a state of pauperism;—that the counsel on my part had opposed the motion, saying, that reports as to my pauperism were incorrect, &c. Now, my Lord, I come to a most solemn declaration, which I have no doubt will make suitable impressions on your mind.—My Lord!—you shed tears over the grave of Castle-reagh—over the fate of the silent dead: prepare for a manly hearing of the living. I have been persecuted for fourteen years: I have been oppressed and scandalized beyond measure. It is said, that oppression will make a wise man mad; and perhaps it is because of my not being very wise that I am yet sane. I am sure that I am honest, if I am sure that I exist.—Hear, then, what I have to say.

After being twice tried in Upper Canada, and twice honourably acquitted from false charges of libel, I was flung into jail; denied liberation on application by *habeas corpus*; detained in prison nearly eight months; and being tried in a state of mental weakness, brought on by cruel treatment during my confinement, was banished, merely because I had refused to obey the mandate of the basest of men. I was not aware of my deplorable condition till landed on an alien shore, and I came home to England feeble and confused. On reaching home, I found that my father was dead, and that my wife had been made the instrument of my ruin. She had, indeed, been

frightened out of calm reflection by a cruel and unnecessary restraint, made by the Duke of Somerset, on my property soon after my departure for America, through the agency of a villain who has now fled from the country, accused and accusing the Duke of forgery,—who is now outlawed. I not only found that I myself was ruined, but that a provision for my children was disputed at law; and, afflicted with nervous malady, I became totally unfit for business. By extraordinary exertions,—by travelling on foot over Scotland, I gained some strength, but this was continually wasted with fresh vexations, and at last misery was consummated in the death of my beloved wife. Renewing exertions, I again travelled, and changed the scene; recovered strength, and had it again and again taken away. With my creditors, and all with whom I had disputes, I continued to make offers of submission, but without avail; and the cause of my children, twice won in the Court of Session at Edinburgh, with costs, was carried to the House of Peers. Of this I was informed in February, 1822; and becoming, when alone, *fatuus*, I reasoned with regard to what was best to be done, till it appeared duty to die for my children. I had consulted counsel, and found that if I even did gain for my children their provision in the House of Peers, it would be liable, during my life, to seizure by my creditors, I saw no hope of getting out of the hands of lawyers, and had found those employed by myself the most vexatious. I had become totally unfit for business: I found myself acting foolishly and without manly decision: I saw no good in living longer; and, on the 9th of March 1822, wrote down my principle, my purpose, and my hope, in these words: “*The Romans considered self-destruction meritorious. Christians think otherwise; though Christ himself submitted to a voluntary death. It depends on the motive, the object in view. I shall die for my children, for Canada, and the poor of England. Surely, when I am gone, my children will have their provision; surely Canada will have the promise of independence; surely the poor will obtain their right. I shall do more good by dying than by living: I shall die forgiving all, and hope to be forgiven.*” A few hours after writing this, I destroyed the paper, but keeping my purpose in view, and having wrote out a request that a particular friend should give my watch, &c. to my son, and a seal or ring appended, to each of my daughters, I asked that friend to take my watch in pawn for £10, on which I meant to live till I had offered to Parliament, to prove by witnesses, then in London, how cruelly I was treated in Canada. My friend in question is the best of men; steady, feeling, honourable; yet, strange to say, he bade me throw myself into the Thames, and the effect was as strange, for it made me resolve to throw myself on the parish. I continued in London till September, and, during the interval, suffered mental agony to the greatest extreme. Mr. Brougham took in hand to advocate my cause in the House of Commons, and deserted me. Lord Holland was more honest, but is now off. From Canada, an address, written by me, was sent home for presentation to the Prince Regent by Lord Erskine, in 1818. Meaning to despatch a letter to the King in Scotland, pledging my honour as to good intentions in Canada, I

desired first to know from Lord Erskine if he had presented the address intrusted to his care; but he would not converse on the subject, *because*, he said, I was "an enemy to his friend the Duke of Somerset." I wrote, and despatched my letter to the King: it was referred to the Colonial Department, which had already refused me a fair hearing, and then, disappointed at all hands, I did actually throw myself on the parish, to dissipate care, by changing the current of my thoughts, and strengthen my body with air and exercise. But even here there was no rest from persecution: after labouring five days, I was told by an overseer of the poor, that he had consulted a lawyer, and was informed that he could take the ring off my finger before I had further relief. They lowered my pay; denied me work; lowered my pay again; and, at last stopping it altogether, obliged me to apply to a Court of Magistrates, where they had the parish lawyer to appear against me, not only to display consummate ignorance, but total want of feeling, in again threatening to deprive me of my ring, the memorial of my departed wife. My Lord, I beat the parish and their lawyer as a pauper, and as a pauper I will beat my opponents in Chancery and the House of Peers, with their whole host of lawyers, if your Lordship will but give me fair play. I have struggled for life; I wish to live only for good, and with fair play have no doubt of success. I am aware that I labour under a disease, brought on and continued by oppression, but I do all in my power to resist its dreadful determination, which is that of my existence on earth. While labouring for the parish, which I did for three months, I found this disease gradually abate: since then, I have travelled for two months, and am now rested from my journey in better health and spirits than I have enjoyed for years. Without following the course I have taken, strange as it seems, I must have sunk beneath my load of care. A year before poor Lord Castlereagh left us, I heard him in the House of Commons ridicule the idea of going to dig; but had he then "*gone a digging*" he might still have been prating to Parliament. I have had greater provocation and perplexity than the departed minister, but I have resorted to proper remedies; and among these is that of *speaking out*. I have not only laboured and lived abstemiously, travelled and changed the scene, but I have talked and written, to give relief to my mind and play to my imagination; nor was I quite at ease till I read the above melancholy tale to my friends. My Lord, you will not, when apprized of the end in view, think it idle to listen to something more of one maddened with law-persecution. On my late journey, I more than once dreamed of going to the Land's End to make impression on the public mind in favour of my children, Canada, and the poor of England, by bidding adieu to the world. "*Here I am at the Land's End—to me the world's end. From this point my disencumbered spirit shall bound into the vast expanse which holds these little balls—these planets, comets, suns. There I shall meet my wife, my father, sister, friend; and even my little Barbara, to whom the niggard church denied its prayers.*" These words, my Lord, repeatedly hung upon my tongue as introduction to more, while any thing was pleasant which banished from the mind

every thought of law-persecution ; and, in writing them down, I feel myself guarding against an act which, in calm reason, it is ever my purpose to shun. There never was, in a court of justice, worse grounded and more remorseless persecution than that of the Duke of Somerset against me ; and never was there any thing more vile than the appeal to the Peers against my children. In both suits I have prevailed again and again : nor is there the slightest hope for my enemies, but in my ruin or distraction of mind. With all my opponents I have constantly offered to settle by arbitration : but no ; I must be worried to death, and year after year held back from peaceful and profitable pursuit.

The newspaper paragraph, I observe, states that your Lordship was informed that a public subscription was offered me. It was so, and I was most thankful for the offer on the score of sympathy. I refused it because my honour continued impeached before the public, while I was slighted and deserted by public men, whose duty should have afforded me a chance of being cleared. I could not receive public money, till the public were sensible that I was a true man, and faithful servant to the public. No, my Lord, I would rather that my children were flung on the parish with myself, than that they should grow up in affluence, and have it told them for truth, that I was a traitor to my country. After I had honoured Lord Erskine, with sending home to his charge an address from a convention of loyal men in Upper Canada, to be presented to the Prince Regent, was it for Lord Erskine to be shy of me, because he thought me an enemy to the Duke of Somerset ? After I had put into Mr. Brougham's hand a proof of my cruel treatment abroad, was it for Mr. Brougham to desert me ? After I had pledged my honour to the King—after I had told him that his father trusted me with command of volunteers in Fife-shire, and that I offered my services even to go to France, was it for the King to hand me over to the Colonial Department ?—Oh, no ! with such slights, unexplained, I would rather be a pauper than be pitied ;—rather, indeed, would I wither from off the face of the earth, blasted by adversity, than continue to vegetate, a feeble thing, beneath the droppings of charity.

My Lord, I have laid aside my paper for several days, that I may be more sure of doing right in despatching it to your Lordship. I think I do right, and off it shall go.

It by no means gives a full picture of my trials ; but my *trials at law* are most proper to be submitted to the supreme judge of the land ; and I trust there is enough to awaken your Lordship's attention.—Would to God you were so startled with horror, as to open your eyes upon the whole system of iniquity within the purlieus of Chancery—within that court, whose delays, and uncertainties, and perplexities have deprived many an innocent man of rest,—sent many to Beulah, and which, at best, gives shameful triumph to the rich over the poor. Oh ! my Lord, how glorious would be your triumph, in another and a better world, were you to employ the remainder of your fleeting existence in sweeping out the pollutions of Chancery.

But, to come to the point of business : I have two proposals to make : either that your Lordship will assure me, that I shall have fair

play in defending myself and children before you in Chancery and the House of Peers, or that you will seriously advise all parties to submit to liberal settlement by arbitration. This, my Lord, has always been my desire, and would, with greatest certainty, compass the ends of justice. In both suits there is much complication, which never can be understood by pleading at the bar; besides many differences which law cannot adjust. How, for instance, can I have justice in the case of my lease of Deptford-farm? The attorney, who had charge of my suit with the Duke of Somerset, put his name to the assignment, while he knew that the lease was unsettled;—when, in fact, there was no lease; and while it was left to the Duke of Somerset to go on, as he is now doing, with his appeal, and by which he has put me to great expense. Was it, my Lord, rational or fair to me, for the attorney so to act? and could I, abroad, ever imagine it possible that he would so act? No! I trusted that all was fair and right, but all was foul and wrong. My lease, the best in Wiltshire, was given away for nothing, while I was left to contend with the Duke of Somerset for the very thing given away. My stock, worth £3000, was valued over at £1500; and that £1500 was put in bond, to make sure to my successor a lease, for which I had still to struggle. My Lord, surely, you, a judge in equity, will never warrant transactions worse than robbery. I wish not to injure the man in possession of my farm; but I do look to him as one possessing stolen goods, and shall expect the same to be delivered up. I shall expect that the attorney trusted and paid by me, for doing business well and faithfully, shall be made to account for gross mismanagement, if not imposition.

22d March, 1823.

This paper, my Lord, has again lain aside: it has lain by for a week, that I may still be more cautious in proceedings, which must determine the fate of five children and myself, with disclosures so delicate and dread. It shall now go; and I trust your Lordship will at once give it perusal, and lay to heart the wretched circumstances in which I am placed. I observe some things which need explanation, and much may be added. Aware, however, of the value of your Lordship's time, I shall not trespass further upon it, but wait whatever question your Lordship may put, or what instruction you may be pleased to give. I need scarcely add that speedy decision will be of utmost consequence.

I am, my Lord, with all due respect,

Your Lordship's obedient servant,

ROBERT GOURLAY.

The Right Honourable the Lord Chancellor.

To the Attorney General, (now Lord Gifford).

13, Clifton-street, Finsbury, 24th July, 1823.

Sir,

It would require a volume to tell, and a curious volume it would be, what strange and cross accidents have occurred to me since you

pled my cause at Salisbury assizes, in July, 1816, when the special jury found for me £1325, certain, and £625, subject to the opinion of the Superior Court. My father, on whom all my hope of fortune rested, had failed eight months before; but this verdict gave me expectation that I might still have means to retain Deptford-farm. Little more than a month afterwards, an event took place, which assured me that all was safe. A near relation gained the £40,000 prize in the lottery; confided in me a secret as to this; and immediately assisted me with money. Having been assured by my solicitor, that the money awarded by the special jury would be obtained immediately after decision by the Master of the Rolls; and feeling confident that my lucky relation would see me safe through all hazards, I put my name to a bill for £900, due to two needy creditors, payable in the month of February, 1817. Towards Christmas, 1816, the Master of the Rolls confirmed the award of the jury, as to the £1325, but refused the further sum. He granted an order for £1325. To my surprise, this *order*, called the *short order*, was good for nothing, without a *long order*, and that long order had to be *long* waited for. Meantime, my relation, without the slightest good reason, thought proper to quarrel with me, and closed correspondence in a most violent manner. My situation was then dreadful. The bill for £900 which I had granted became due, while I was thus deserted and kept out of payment from the Duke of Somerset, by the delay in procuring the *long order*. For the first time in my life I was a defaulter, and my situation was wretched. Could I, by risking my life, have paid the bill, I would have risked it willingly, while I was prevented from paying it only by a delay in Chancery altogether unnecessary. In February, Sir Samuel Romily obtained a hearing on the subject of delay by the *long order*. I was in court while the Lord Chancellor proposed a further delay of six weeks. This would have left me at the mercy of the Duke of Somerset, to distrain on me for rent; and seeing my perilous situation, I rushed in between Sir Samuel Romily and the Chancellor; spoke for myself, and had the *long order* granted without delay. The money was paid, deducting the Duke of Somerset's rent up to Lady-day, 1817; and finding that it was now unfair to give away the residue partially to creditors, I handed this over to a friend, and bade him part it equally, so far as it would go, among my creditors, reserving to myself just a sufficiency to bear my expenses to Upper Canada, whither I set out on the 2d of April, 1817, expecting to get back to England by Michaelmas following. My last piece of business, before sailing from Liverpool, was to write a letter, making offer to the Duke of Somerset to submit all matters in dispute to the arbitration of *gentlemen*. My business in Canada was this:—I had 433 acres of land there, which I had purchased and paid for, in Edinburgh, in 1810, not doubting the title; and I had an equal quantity, in right of my wife, the title to which I suspected as little. This property, under circumstances, I thought I might sell, and so strengthen my means at home of retaining Deptford-farm. But my chief hope in going to Canada was, that a relation of my wife, who had announced his intention of coming home to settle in Scotland, would have abundant means to assist me

out of the sale of his property in Canada. On getting to Canada I found that an interference of the Executive Government with the law,—with two British statutes,—had rendered all sale of land there impossible. I found that I could obtain nothing for my land, even though I had determined on selling it; and my wife's relation could not get money for his property, with which he meant to retire to Scotland: nay, though a man of fortune, and wishing still to come home, he is yet detained abroad, because of the interference of the Local Government with statute-law.

Just as I had come to a clear understanding of these matters, and before I was a month in Canada with my friends, I received a letter from England, saying that the Duke of Somerset had refused all compromise with me; and I should now have hastened back to England, but was confined for two months with lameness and bad health. In order to recruit health and be able to reflect deliberately and calmly on what I should do, seeing it impossible to get to England by Michaelmas, I made a journey through the country for some weeks, and, after a fortnight of that time, finding myself vigorous and decided, I wrote home to my wife, desiring her to get three of my creditors, and, in case of my not coming home by a certain time, to advise me what they thought upon the whole was best to be done. I named my lucky relation as one of the three, and my hope was, when he saw into the state of my affairs, he would forget the quarrel with me, feel for my situation, and come forward with money for my relief. To my utter confusion, having waited in Canada till the beginning of February, 1818, I received a letter from my wife, saying that my relation was dead, and that she had resolved to abandon the farm forthwith. This put an end to my hope of retaining it; and, as I was cut off from future prospects of doing for myself at home, I resolved now, finally, to connect myself with Canada, of which, before, I had not much expectation. To do well in Canada, while the Executive Government could tamper with statute-law, and wholly reduce the price of landed property, was very hopeless. My wife's relations were the most extensive proprietors of land in the province, and they were greatly dissatisfied with the impolitic and illegal course followed by the Executive Government. I wrote an address to the resident landowners, expounding the law, pointing out the mischief of arbitrary interference, and advising that a commission should be sent home to England, in order that the home ministry should be rightly informed on the subject; and that no such liberty should in future be taken by the Local Government as had been taken to the ruin of the colony. For writing this address I was offered 500 acres of land by Wm. Dickson, a legislative councillor; and it was then published, though I refused the land. Its publication brought upon me unjust attacks through the medium of newspapers, and these attacks I repelled. I repelled them so effectually, and so strengthened myself in public favour, that, after a few months, the people, by my advice, chose deputies, to meet in convention, for the purpose of sending home a commission as I proposed. The Local Government, finding my influence thus strong, did, in order to check and throw discredit on

me, cause me to be twice arrested, and bound over to stand trial at the assizes. In the mean time the convention met: I advised submitting matters to the Lieutenant-Governor, soon expected from England, and was then twice tried, and twice honourably acquitted. Making sure that all would now go well with me in Canada, I posted off to New York, to have the latest accounts from England regarding my affairs in that quarter, and to send home instructions accordingly. My wife had written to New York, and otherwise, giving favourable accounts. Trusting to these, I sent home a power of attorney for final settlement as to Deptford-farm, and returned to Upper Canada to have an interview with the Lieutenant-Governor, Sir Peregrine Maitland. To my astonishment he was set against me; and, soon after, the very man (Dickson), who had led me into political controversy, and offered me 500 acres of land for advising to send home a commission for inquiry, served me with an order to quit the Province. As I had ordered my affairs to be wound up in England, and had now staked my fate to Canada, there was but one course to pursue, and that was to hold fast to my rights there. I refused to go away, was shut up in jail for nearly eight months, and so weakened with confinement, that I was not able even to protest against a trial which, by the written opinion of Sir Arthur Piggot, I was given to believe was illegal. I was sentenced to banishment from the province; and returned forthwith to England by the beginning of December, 1819. I now found, to my astonishment, that my poor wife had been altogether deluded in the management of my affairs, and so had deluded me with favourable reports. At the Michaelmas after I left home, the Duke of Somerset had sent his steward, a man who has since been accused of forgery and perjury—who has, because of these charges, fled the country, and been outlawed,—sent this man, and distrained on my goods; threatening even to seize the furniture of my house, although ten times the value claimed stood out of doors in farm-stock. This proceeding had evidently frightened my wife out of calm reflection; and I have a letter written by her, immediately afterwards, giving sad proof of this. She had, in this distracted state, listened to her brother, who knew nothing of my affairs, residing in Scotland, without considering the words of my instructions sent home from America; and he advised her to abandon the farm. She did this, too, wholly ignorant of the secret as to the £40,000 prize, which I trusted might furnish means for my relief. She had acted in such confidence that all was well done, that she presented to an agent in the business, who was most active in contributing to my ruin, a silver cup, in token of gratitude for his services. Now, what was really the case?—She, in innocence, and without suspicion, had trusted people who had no interest in my welfare, and who believed that I should not again come home to examine into particulars, the valuation of my stock and lease. On my lease, which I valued, even under the Duke of Somerset, at £3000, they put no value. My stock they valued about £1500, which I do not consider more than half its worth; and this half value was put into bond, to secure possession of the lease to my successor, who paid nothing for it; while I was left to struggle in Chancery for this very lease, and in this

very suit still pending. The worst of it was, that, after my successor in the farm had been in possession for more than six months, and had begun the operations of a second year, an assignment of my lease was sent out to Canada, subscribed by my attorney; and I, trusting that he would not subscribe unless all was safe and well, signed the assignment also, and returned it to England. On getting home to England, a year afterwards, I found, to my astonishment, that my whole property—lease and stock of Deptford-farm, had been given away, not only to leave me without a farthing in the world, but involved in the cruelest manner. I found that the lease which the attorney had led me to assign away was not yet executed by the Duke of Somerset, and that the Duke refused to receive rents but from me. More than this, I found that my wife's brother, the same who had advised her to give away my farm, had engaged me in a law-suit at Edinburgh, respecting a bond of provision which I had received from my father; and that he had grounded the suit in a partial manner, very unfavourable to my interests. I found, too, that my father, whom I had a strong desire to see, was no more! and having caught, from my confinement, in Niagara jail, a nervous disease, I was wholly unable to transact or even to think of business. I had, in fact, to travel, to recruit health and sustain my spirits. I travelled on foot all over Scotland for four months, and then came to London, to redeem a pledge for publishing a statistical account of Upper Canada; but, being torn to pieces with care from time to time, this was not completed in the end of November, 1820. At this moment my wife was suddenly taken ill, and, before I got to Edinburgh, she was gone for ever! I now became worse than before, and totally without power to execute the simplest business. I resolved to come again to London; but got still worse, and had to travel in the country for relief. I began a second volume on Canada, from a momentary impulse,—a thing which before I had not contemplated, and without any precise idea where it would terminate. This work was added to by fits and starts through a period of nine months, during which time I had repeatedly to fly to the country to conquer disease and lighten my spirits. In February, 1822, I was informed, after gaining, in the Court of Session, two decisions in favour of my children, that the suit was carried to the House of Peers. I became at times *fatuus*, and wholly lost the power of reasoning. The singular figure I have cut as a pauper sprung out of this condition, and was followed up by me on principle, in order to brace my nervous system and divert my imagination; and it is a fact that the nervousness caught in Niagara jail has only been got rid of within the last five months; and by this course alone could I have conquered it. I am now for the moment perfectly clear of disease, but entangled in the cruelest manner, and nearly destitute of the means of living, which, however, does not affect my spirits in the least degree, or embarrass me. When last in court I had not wherewith to pay for a dinner: I had but two pence, and dined by chance invitation. There were then in court, unknown to me, a lady and two daughters. These ladies took me by the hand as I went out of

Court, and engaged me to dine with them. Thus it is, I suppose, that the Lord takes care of the ravens. Next morning I paid away my copper for the paper on which I wrote to you, and had dinner that day out of 8s. procured for an old surtout. I have since cleared off my lodging-bill for last week, by pawning a trunk full of articles of dress, which I can easily spare, leaving a balance of £2 : 14 : 4, which I am quite contented with, trusting that it will keep me alive till I beat the Duke of Somerset. Before leaving Wiltshire, last week, I communicated how my finances stood; and, in order to make friends easy as to my return, said, that, if the worst came to the worst, I should apply to the Lord Mayor, to send me to my parish *in formâ pauperis*.

You will find nothing in this letter incorrect, or not sufficiently perspicuous. Even to the last word of the last paragraph it is literally true; yet you find me perfectly at ease, though puzzled as to the winding up of my affairs respecting Deptford-farm, even though I should get all I am entitled to from the Lord Chancellor, that is to say, £625, with costs and interest, beyond what I have already received from the Duke of Somerset.

From the melancholy and weak state in which I was in on my return from Canada, I was able to take no decisive step for the settlement of my affairs, and I even did not like to speak on the subject to my wife, seeing the perfect innocence with which she had become the instrument of my ruin. I did not, indeed, know, till after her death, that her brother had advised her to abandon my farm, (this is a mistake,) and dispose of the stock; and, till within the last five months, I had not power even to think decisively on the state of my affairs. If any neglect, therefore, was to be charged against me at this time, either as to delaying settlement, or omitting the observance of any ceremony or form, I could safely call such charge *unjust*. Looking, for instance, to the neglect of appealing in due time to the Chancellor, with regard to the £625, I feel as excusable, during the period that has elapsed since my return from Canada, as while I was detained there by false arrests and imprisonments. Claiming still a right (or indulgence) to appeal on that question, while the suit is continued by the Duke of Somerset, is very different from what it would have been if litigation had entirely ceased on both sides. This, I think, is strongly in my favour; and I doubt not you will think so on due consideration. The Court is not disturbed by my claim: it only has to put me on a fair footing with my opponent.

I have said that, when I came home from Canada, I found that the Duke was refusing to receive rents from the person now occupying Deptford-farm: that the rents were paid by him to my attorney, and then handed over, as by me, to the Duke. Finding this to be the case, and that I had been grossly imposed upon by my attorney placing his name to the assignment of the lease sent out to Canada,—finding that I had been absolutely cheated to the amount of £1500 in the valuation of my farm-stock, I wrote a letter, in January, 1822, protesting against the whole of these transactions, but immediately afterwards became, from disease and weakness, unable to take any

efficient step; and the question now is, what can be done? and what should be done?—Am I to go without any premium for a lease which was worth a great deal of money?—Am I to have nothing more than half-price for my farm-stock valued over without my knowledge or consent—given away on valuation that can yet be proved flagrantly unjust?—Is the Duke of Somerset to be allowed to refuse agreement to-day and accept it to-morrow, without any communication being made to me either by him or my attorney, who knew that I protested against the assignment?—Is there no way by which I can call to account an attorney who puts his signature to an assignment and leads me into so gross an error as to give away a lease which was not yet obtained?—Is it fair that I should come home and find myself still at law, and subject to charges of this very attorney for conducting law process for property taken out of my hands under the eye of this very attorney?—Lastly, supposing I am to get nothing for my lease—nothing for my stock—nothing in return for law-charges in suits going on about Deptford-farm for years after I had no interest or advantage from it—how am I to know that I am clear of obligations on that farm?—How am I to be sure that I may not, years after this, be vexed and annoyed by the Duke of Somerset?

All these questions I should be glad to have answered; and if the money, paid formerly as fee, shall be sufficient to obtain from you satisfactory answers to these questions, so that I may be henceforth secure, I shall certainly not grudge the payment: beyond it, from what is above stated, you know that I have not a farthing to spare. There is one question respecting the £1500, paid in bond for security of my seccessor in Deptford-farm.—Have I any control over this?—or who has? This money was paid by my successor for my stock, while I knew nothing at all of what was going on. It was afterwards put into the *five per cents.*, in the joint names of **** *, of **** * and **** *, of *****; to the latter of whom I sent home a power of attorney, for the settlement of my affairs, in the autumn of 1818. Mr. K*** has refused to reply to letters about my affairs; and Mr. R***** will not afford me a farthing for subsistence out of the money in question. Here is a fine dilemma! and I would be glad to know how information or settlement can be obtained. It has occurred to me that a commission of inquiry could be obtained; but can this be granted to me as a suitor pleading in *forma pauperis*, and without a farthing to defray charges? If you can afford me a reply to each and all of these questions, I shall, sir, be greatly obliged,

And am, respectfully, yours, &c.

ROBERT GOURLAY.

*The Attorney-General.**

* The Attorney-General would give no written reply to the above. It involves a most important questions, both as it concerns me and the public at large, which I should wish afterwards to discuss. Let this, therefore, be remembered.

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled.

THE PETITION OF ROBERT GOURLAY, ESQUIRE

Humbly sheweth,

That your Petitioner resided in London during the three last sessions of Parliament, with the sole object of obtaining inquiry into the state of Upper Canada, its misgovernment, and capacity, under good government, to receive the redundant population of the United Kingdom, with comfort to individuals and profit to the nation.

That he more earnestly regarded this object, because of his having, for a long series of years, studied the means of extinguishing pauperism in England, and had discovered that, by an improved administration of provincial affairs, the grand object would be most easily and completely accomplished.

That, to forward his views of general inquiry, he had presented to your Honourable House three Petitions, which were received and ordered to be printed the 11th of July, 1820, 27th of June, 1821, and 27th of February, 1822.

That the prayer of these Petitions being disregarded, he then had drawn up a Petition relating exclusively to certain ill-treatment which he was subjected to by the local government of Upper Canada; and offering therein to produce witnesses, then residing in London, to your Honourable House, in support of his allegations.

That this Petition was put into the hands of Lieutenant-General Sir R. Fergusson, Member of your Honourable House, who, the better to forward its object, entrusted it to Henry Brougham, Esq, another Member of your Honourable House.

That Mr. Brougham, having perused this Petition, acknowledged that the case of your Petitioner was a strong one; and gave reason to believe that he would advocate the cause. He advised that the Petition should be amended; when amended he corrected it, and then declared it sufficient.

That Mr. Brougham, by these and other friendly demonstrations, made your Petitioner sanguine of success in this business, which at once concerned his interest and honour, his reputation, his fortune, and all that he holds dear in the world.

That, from the 8th of May, 1822, when the Petition, fairly engrossed and signed, was delivered to Mr. Brougham, your Petitioner waited from day to day, from week to week, and from month to month, in a state of solicitude; and, on the 18th of July, when the Canada Bill was to be discussed, his anxious hopes had attained their utmost height. On that day he attended in the House of Commons, but, to his surprise, saw Mr. Brougham go off just before the Canada question was spoken to; and, next day, found that his Petition had been presented without a word to recommend it to notice, along with another written by your Petitioner, objecting to the Canada Bill; both of which, however, were ordered to be printed.

That your Petitioner being thus disappointed, and having had a Petition laid before the King in Council to the same end, that he might obtain redress for wrongs sustained in Upper Canada, which had been neglected for several months, did then prefer a Prayer to the House of Peers; which, like the others, was attended with no substantial benefit.

That he then addressed a letter to the King, (a copy of which is hereunto annexed;) which letter was delivered to His Majesty, in Edinburgh, and referred to the Colonial Department.

That your Petitioner having frankly communicated with Lord Bathurst, Secretary to the Colonial Department, both when he was in Upper Canada, and after he returned to England, without receiving any satisfaction; and believing the Colonial Department hostile to his views, from self-interested motives, did conceive, and conceives still, that he can have no hope of a fair hearing in that quarter.

That your Petitioner has now to state the most melancholy facts; and trusts, as the case is far beyond ordinary experience, that your Honourable House will be disposed to lend a favourable ear, and afford extraordinary aid.

Your Petitioner went out to Canada, with a view of securing to himself and family an asylum, in the event of extreme distress; but hoping that, in his absence, certain affairs would be so well settled at home, as to enable him still to reside there. So far from this being the case, your Petitioner had not been six months gone from England, when a harsh and unnecessary restraint was made on the goods of your Petitioner, by a man who has since fled from the country and been outlawed, accused of, and accusing another person of, forgery. By this cruel restraint, the wife of your Petitioner was so alarmed and distracted, that she soon afterwards, without leave of your Petitioner, and in direct opposition to his will and written instructions, abandoned his farm to the possession of another person: had his lease, which he had valued at £3000, even under a bad landlord, given away for nothing: his stock valued over at half its worth; and that half (£1500) put in bond for the security of his successor, while he was left to contend for the lease, and several other valuable considerations in the Court of Chancery, where he cannot now, from this interference and mismanagement, confirmed by his cruel treatment in Upper Canada, carry on his suit with hope of success by ordinary means. But this is far from being the worst part of your Petitioner's case. He is the father of five children, now without a mother, or a farthing to maintain them, although a bond of provision was granted, before your Petitioner's marriage, of which these children are the issue; a bond publicly registered, and held as undoubted security for twelve years. While your Petitioner was detained in Upper Canada, by the false arrests and imprisonments of the Local Government, this bond came to be disputed at law; and, on his arrival at home, your Petitioner had to engage in the dispute. He gained, before the Court of Session in Scotland, two decisions in his favour with costs of suit; but then, an appeal was carried to the House of Peers, which not only continued to withhold from your Petitioner his children's provision, but left him entirely destitute of means to carry on his plea, save *in forma pau-*

peris. This appeal was announced to your Petitioner in the month of February, 1822, after threatenings of twelve months ; and having for many years been torn to pieces by adversity and persecution, he then felt the powers of his mind greatly weakened and some of them gone. He was yet sensible of his dreadful situation : he strove to conquer disease : he endured extreme agony from time to time, while remaining six months in London to gain notice from Parliament and the King ; and, at last, finding every effort vain, he threw himself on the parish of Wily for employment, that he might change the course of his thoughts, unburden his mind of care, and brace his nerves with air and exercise. He succeeded, and with restored health and strengthened spirits, now more earnestly entreats attention from your Honourable House.

Your Petitioner has all his life been regular in business, and upon every question which concerns his conduct, his credit, and his character, whether private or public, can produce satisfactory documents, and defend himself with good reasons. He has in his possession every paper which he caused to be published in Upper Canada or elsewhere ; and he is willing to meet his enemies in any quarter, and on any terms that are fair and honourable. His intentions have been invariably pure ; and his schemes with regard to Canada and the reform of the poor-law-system of England are at once grand and practicable, though misfortune has hitherto marred his endeavours rightly to exhibit them. He has, during the present session of Parliament, had three petitions presented to your Honourable House, on the subject of poor-laws, which were ordered to be printed, 5th, 19th, and 27th June. This petition he would sooner have had drawn up and offered to your Honourable House, had he not waited for accounts from Canada, which he expected would confirm the sentiments expressed in his petition against the Canada Government and Trade Bill. At this late period of the session, your Petitioner can expect no relief from the investigation of a parliamentary committee, but your Honourable House may address His Majesty, to the end that he may obtain a fair hearing, as well with respect to his grievances, as to his proposals for improving colonial policy, and the reform of the poor-laws in connexion therewith. Your Petitioner has refused a public subscription, though he has not a shilling to call his own, because his honour has been unjustly tarnished by the Local Government of Upper Canada, and doubted by the King : he has refused it, hoping still to have fair means of clearing his character of taint ; and wishing to stake even his existence against any proof of dishonour. Having seen in a newspaper, that the Under Secretary of the Colonial Department, Mr. Wilmot, offered, in your Honourable House, to refute any charge which could be made in his behalf, he expressed his desire to be heard before your Honourable House, in a letter addressed to Mr. Wilmot, and also published in newspapers, (a copy of which is hereunto annexed). He now more formally expresses the same desire ; and, *defying refutation*, will here make charges which may lead to others. He was twice arrested by the Local Government of Upper Canada ; detained for several months on bail to the amount of £1500, to stand trial on accusations which

were altogether shameful, and proved to be false. He was a third time arrested on the order of William Dickson and another, Legislative Councillors, whose leading charges were, that your Petitioner was connected in politics with *Cobbett* and *Hunt*, in England, while it was known, in England, that your Petitioner had opposed these very men in politics; and while it was a fact, well known in Upper Canada, that William Dickson had instigated your Petitioner to enter into political discussion in that country, and had offered him 500 acres of land for writing his first political address. Nevertheless, your Petitioner was not only arrested, but imprisoned, on the order of these Legislative Councillors, for nearly eight months: denied liberty on application by writ of *Habeas Corpus*, and banished for no reason, but because he disobeyed an order to leave the Province;—banished upon trial, against which he was not able to protest from the effects of cruel treatment while in jail!! Your Petitioner asserts that the statute, under colour of which he was arrested and banished, was wholly inapplicable to him, as a British subject;—as, having resided in Upper Canada for more than a year before it was applied to him; as having been twice honourably acquitted from false charges; as being proprietor of upwards of 400 acres of land in Upper Canada, obtained by a *bonâ fide* purchase, and for which money was paid by him, in Edinburgh, in 1810, besides as much, which he held in right of his wife; as being perfectly innocent; and accused only by men who had selfish and sordid views in contriving and compassing his ruin. He asserts that these arrests and imprisonments were, besides being ruinous to your Petitioner, altogether scandalous to British Government.

These charges your Petitioner sets forth in his own behalf, *defying refutation*; and if fair inquiry is allowed, he pledges himself to exhibit many others equally tenable, and affecting not only his interests, but those of the nation.

He, therefore, entreats that your Honourable House, will address His Majesty, in order that all due opportunity for inquiry and investigation may be afforded for the relief of your Petitioner, as well as for the honour and interest of the public at large; also, that this petition and annexations may be printed, as a record in the journals of your Honourable House.

And he will ever pray,

ROBERT GOURLAY.

Berwick-farm, near Hindon, Wilts, 28th March, 1823.

Sir,

The Globe and Traveller newspaper of 25th instant is now before me, whereby I observe that Mr. Hume had spoken in Parliament of the treatment I received in Upper Canada, and from which paper I extract the following paragraph:—

“ Mr. Wilmot said, that with respect to what the Honourable

" Member had advanced regarding the ill-usage of Mr. Gourlay, he
 " would repeat what he had formerly said : viz. that if the Honour-
 " able Member would state distinctly to the House any one case of
 " alleged grievance, or any thing like a grievance, which that indi-
 " vidual could complain of, he (Mr. Wilmot) pledged himself to the
 " House to give it a satisfactory refutation." (Hear, hear.)

Having seen no newspaper, but that from which this extract is taken, respecting any thing said by Mr. Hume of me, I am ignorant as to the train of proceedings in the business before Parliament, and know very little of what he had said. I hasten, however, to relieve him of responsibility, and for myself, as an injured British subject, do now gladly accept the challenge you throw out. I now say that I shall be happy to have a fair opportunity to lay before the House of Commons, not only a statement of grievances experienced by me in Upper Canada; but an exposé of the weakness and wickedness of the Provincial Government, *defying*, sir, your "*refutation*."

It is not probable that you are ignorant of my having, during the three last sessions of Parliament, laid before the House petition after petition, praying for inquiry into the state of Upper Canada, and into my grievances experienced there. You will recollect, too, that I wrote a letter to yourself, last summer, strongly remonstrating against the passing of the Canada Government and Trade Bill. A few days after addressing myself to you, I attended in the House of Commons during a debate on that Bill, and heard you say that you had consulted with those best acquainted with the affairs of Canada, and found that they approved of it. I now submit to you an extract of a letter, which I received nearly two months ago from a Member of the Upper Canada Parliament, dated 3d November, 1822.

" It is supposed that the Parliament will be called together shortly, to take into consideration the Government Bill for uniting the Provinces. I think the majority of the members will be for union, but not under the present Bill. All that I have spoken to about it, detest the idea of such a bill taking place. The Trade-Bill is a most infamous thing for our part of the country. It amounts to a complete prohibition, as our vessels cannot go into their (the United States) ports, without immense tonnage duty; nor theirs into ours, upon the same principle. There is no doubt but we are going down hill as fast as possible."

The same post which brought me the letter, from which the above is extracted, brought me another from a friend in the United States, who gives the most cheering accounts of that country's prosperity; and says, that then (October last) *there were eleven hundred men at work on one part of the Great Western Canal, which is to connect the sea with Lake Erie; and which will be completed in the year 1825.*

Sir, do not misconstrue the boldness of an independent mind into any thing like impertinence, but calmly reflect on these assertions, that our home ministry have all along been grossly ignorant of good policy towards Canada; or wilfully blind, looking to it only as a plaything of power and a source of patronage. They are now holding that fine country, as they have all along done, in trammels, for no

good end whatever, sinking it in poverty, exposing it to risk, and rendering it wasteful instead of being profitable to Britain.

Sir, if this letter, hastily written, to catch the post, does not make serious impression on your mind, send to the Lord Chancellor, and ask him to let you read one, written a fortnight ago; but, from the sad disclosure it makes of my situation, only now despatched.

Sir, I have the honour to be, &c.

ROBERT GOURLAY.

Robt. J. Wilmot, Esq. M.P.

(A. 20.)

To the Honourable the Commons, &c.

THE HUMBLE PETITION OF ROBERT GOURLAY*

Showeth :

That we know from the scriptures, of religion and long experience, that three score and ten years sum up the life of ordinary men ; and that a few only, by reason of greater strength, see fourscore years.

* The above petition was presented by Mr. Bennett, and ordered to lie on the table, the 30th March, 1825. A similar one was put into the hands of the Lord Chancellor. The following letters accompanied the petitions.

*House of Correction, Cold-bath-fields,
28th March, 1825.*

Sir,

Your letter has reached me, wherein you give a reason for not getting my petition (that presented 22d March) printed, and a weak one : but strong or weak, seeing that the special prayer of the petition went to its being printed, you should have acquainted me with your opinion before you offered it to the House. It was yesterday read to a party of gentlemen, one of them a special pleader, who all agreed that it contained nothing which should have prevented the printing. Indeed, being received and laid on the table was proof of this. What would become of us, if matters openly canvassed in courts of justice, as all contained in my petition had been, was withheld from publication ? Where would precedents in law be found ? Your constituents in Wiltshire will not doubt that fear of the Duke of Somerset operated : but it is not yet too late to show courage ; and I send you another, to which the first was preparatory. If you present this you may take opportunity of having both printed together, which would be most desirable. There never was a case so flagrant as mine in all its bearings—one, the consideration of which ought more to stimulate to inquiry into the abuses of Chancery. This is my object ; while the Duke of Somerset makes no part of my concern, any more than the Chancellor, when I request his Lordship to present to the Upper House the fellow of the petition now sent you. Nothing makes me despair in a good cause.

“ In my school-days, when I had lost one shaft,
“ I shot his fellow off the self-same flight,
“ The self-same way, with more advised watch,
“ To find the other out ; and by adventuring both
“ I oft found both.”

So I hope I shall yet have both my petitions printed.

I am, &c.

ROBERT GOURLAY.

John Bennett, Esq. M.P.

That, at sixty years of age, human ability, as well bodily as mental, begins to decay; and so convinced of this are people of the United States of America, that they have a law obliging judges to retire from the bench at sixty years of age.

That the present Lord High Chancellor is a man of extraordinary vigour; but seeing he was born in the year 1750, his term of existence cannot long be protracted, while his strength must be decreasing, to the hazard of great national as well as numerous individual interests.

That your Petitioner having been a suitor in Chancery, for upwards of twelve years, has repeatedly heard the Lord Chancellor complain of want of memory, and conceives that he has grievously suffered therefrom.

That, while the Lord Chancellor was delivering judgement in your Petitioner's cause, in January, 1824, his Lordship discovered that deficient documents had been put into his hands, and it clearly appeared to your Petitioner that the same had been so drawn up purposely, to impose on his Lordship, and to vitiate the judgement.

That your Petitioner was then desirous to have judgement delayed, till correct documents were supplied, but was unable to obtain his desire, and a decree passed, in your Petitioner's opinion, so contrary to justice that it could not have proceeded from the Lord Chancellor had he been in the vigour of life.

That the Lord Chancellor has been appointed one of a commission to inquire into Chancery delays: that no inquiry is more important, and no individual more competent than the Lord Chancellor to perform the duties of such a commission, were his Lordship otherwise disengaged.

Your Petitioner, therefore, entreats that your Honourable House will address his Majesty to the effect that the present Lord Chancellor, while he retains all the honours and emoluments now enjoyed by him, may be immediately removed from every other employment,

*House of Correction, Cold-bath-fields.
28th March, 1825.*

My Lord,

I thank your Lordship for presenting my petition last Thursday; and now beg of your Lordship to do the same by that herewith sent, to which the former was preparatory.

It may be remembered, that this time two years I addressed your Lordship, by letter from the country, pressing what I now pray for, "*Sweeping out the pollutions of Chancery*," and that letter was afterwards read in court. Writing to your Lordship, the 6th November last, I extracted certain passages from the Book of Job, to call attention to the unbending nature of absolute power: and to a question replied, "*I will do more*."—Praying for your Lordship's exclusive attention to Chancery reform was what I had then in view; and, if mad, it may be thus proved, that "*there is method in it*."

Doing justice to the accompanying petition, your Lordship will, I trust, outshine with Christian grace the glory of the heathen Aristides.

Your Lordship's obedient servant,

ROBERT GOURLAY.

To the Right Hon. the Earl of Eldon, &c. &c.

save that of reforming the Court of Chancery, and rendering it efficient for the speedy and sure ends of justice and equity,

And, as in duty bound, he will ever pray,

ROBERT GOURLAY.*

House of Correction, Cold-bath-fields.

April 3, 1825.

My Lord,

This day we commemorate the sublimest of events—the triumph of virtue over vice; to-morrow rejoice because of the hope that is in us. On this most sacred day I have thought of my Petition sent to your Lordship's care last week, the fellow to which has been since received by the House of Commons. To-morrow this letter shall be delivered by a poor man who has served me these seven months without fee or reward, to remind your Lordship.

I have the honour to be, &c.

ROBERT GOURLAY.

To the Right Hon. the Earl of Eldon, &c. &c.

House of Correction, Cold-bath-fields.

April 6, 1825.

My Lord,

The accompanying Petition was put into the hands of the Lord Chancellor to be presented, but was returned yesterday with these words:—“*This Petition must be placed in the hands any other Peer who may think it a proper Petition to be presented.*” I am not aware that it is improper. Its fellow was received last week by the House of Commons, and laid on the table. May I therefore ask if your Lordship will present it to the House of Lords? Should you decline, have the goodness to return it to me in course.

I have the honour to be,

My Lord,

Your Lordship's obedient servant,

ROBERT GOURLAY.

Lord King, &c. &c.

House of Correction, Cold-bath-fields,

April 14, 1825.

My Lord,

Since I despatched to your Lordship the 6th instant a Petition to be presented to the Upper House, that Petition, in consequence of being laid on the table of the Commons, has been published in newspapers, and called forth remarks, some of which it is proper for me to notice.

It has been said that, by writing such a Petition, and putting it into the Chancellor's hands, I thereby abused his Lordship, and gave proof of insanity, than which nothing can be more erroneous.

I revere the Chancellor, and the man who has filled the highest offices so long must assuredly possess very extraordinary talents. So far from wishing to abuse his Lordship, I conceived it was honouring him to intrust my Petition to his care. It must have been interested people who caused it to be returned to me, and, indeed, the Lord Chancellor of England must, in many things, be used and operated upon as a mere machine, at the mercy of managers. Had the Chancellor been my father, I would not have done otherwise, and your Lordship may say so when you present my Petition.

As to madness, no one that has diverged from the beaten tract since the days of Paul has escaped imputation. At the commencement of this Session, Mr. Brougham declared it would be miraculous were the Chancellor to resign, and who can expect him to do so unasked.—Would Mr. B.?—No; he would blow himself up till the last, and explode like the frog in the fable:—he would pass away with a mighty noise, as much as to say “*that's my thunder.*”

Peruse a Petition presented for me by the Lord Chancellor, and laid on the table the 24th ult. and say if I am mad?—Say if the Court of Chancery needs no reform?

(A. 21.)

To the Honourable the Commons, &c.

THE PETITION OF ROBERT GOURLAY,*

Humbly sheweth,

That your Petitioner being unjustly banished from his friends and property in Canada—being cruelly deprived of all property in England—deserted by friends—and basely betrayed.—Being chained down to the performance of distant obligations without compensation, or the means of performance.—Being the father of five children, with a provision for them, secured by a decision of the House of Lords, yet withheld by a conspiracy of lawyers,—was first confined for two weeks in the prison-room of the House of Commons, exposed to the most unfounded scandal; and then, a second time, arrested for the same alleged offence, to be cast into the House of Correction, Cold-Bath-Fields, there to be treated as a felon.

That, under this accumulation of evil, and finding himself in the hands of *remorseless* POWER, your Petitioner determined to endure to the utmost with the least possible complaint, and soon after confinement in the House of Correction informed the Governor that the allowance of food was even more than he could consume.

That, by-and-by, however, he found his health affected by the bad quality of the bread, and wrote letters to be laid before Visiting Magistrates, of which the following are copies:—

“ No. 1.

“ *House of Correction, September 16th, 1824.*

“ Sir,

“ In my letter, of the 26th ult. I spoke of sundry matters connected with my comfort, none of which have been attended to; I meant not that letter to be considered as one of com-

—Say if that Court has not been resorted to for mere oppression?—Say if it is not effectual for such ends?—Say if the Lord Chancellor's remaining time would not be well employed in sweeping out its pollutions?—Say if any sum of money should be spared in accomplishing this?

My Lord, dear bought experience has placed me beyond fear, and made me a man of *faith*. I have faith that my Petition will go towards removing the mountain, and if every one would petition as I have done, most assuredly the mountain would be moved.

Examine my Petition well, and you will find every one of its positions stronger than another from first to last. On every one your Lordship may safely make a stand, and speak to the purpose. The sooner it is presented, and its prayer pressed on attention, the more happy will be consequences. I hope then your Lordship will find it convenient to do this either to-day or to-morrow.

I have the honour to be,

My Lord,

Your Lordship's obedient servant,

ROBERT GOURLAY.

Lord King, &c. &c.

* Presented by Mr. John Williams, April 25, 1825.

"plaint: but I now complain, and on a subject which should excite
 "interest, not on my account only, but that of hundreds confined
 "here. I formerly mentioned that my health had been impaired in
 "this place, but did not then discover the principal cause. This,
 "I am now assured, rests in the quality of the bread. One day
 "this, *to appearance*, was so bad that the Governor, who seems
 "always willing to do right, noticed it; and, for a time, there was
 "an improvement. Again, however, it became very bad, from time
 "to time, and not so much in appearance as reality. After the date
 "of my last letter I found myself getting daily more and more
 "weak; and, at last, suspecting the bread, purchased other
 "bread for one week's consumption. In three days I found myself
 "the better, and after six felt again strong. I have since used
 "bread allowed to prisoners, and am again become unwell and
 "weak. It is now clear to me that the bread is never what it should
 "be. It seldom *appears* bad, but sometimes the smell is sufficient
 "to detect its nauseous quality. It was so last Wednesday; and
 "herewith you will receive part of my loaf of that day for inspec-
 "tion. Being now dry the smell is little perceptible; but were it
 "analyzed by a chemist I am convinced that this specimen would
 "be found adulterated with what is neither genuine nor wholesome.
 "It is customary, I understand, to use a large part of potatoe flour
 "instead of wheat flour in making the bread, and then alum is put
 "in to mend appearances. Proper means are taken to guard against
 "imposition as to *weight*, but deterioration in *quality* is more dan-
 "gerous and should be more strictly-guarded against, as I hope it will
 "be in future. I have lived in the country, labouring at the same
 "time, upon a smaller quantity of bread and milk than what I now
 "have, while my health improved; but the bread in the country
 "was made of flour unmixed with potatoes and alum. This letter
 "you will be so good as lay before the other Magistrates.

"And I am, Sir, yours, &c.

"ROBERT GOURLAY."

"To the Chairman of Visiting Magistrates."

"No. 2.

"House of Correction, November 11, 1824.

"Sir,

"I write this on the express condition that it shall not
 "be considered as a complaint against the Governor, who, from all
 "my experience, seems to be one of the best of men; nor even
 "against the bread-contractor.

"I understand that the Magistrates contract for bread on the
 "lowest terms they can procure; and that being the case, am con-
 "vinced that a strict fulfilment of terms is not to be expected. I
 "have complained repeatedly of the quality of bread here. It is
 "uniformly better for some time, after the complaint is made; and
 "and as uniformly falls off in quality. It cannot be judged of
 "nicely, either by taste or smell. Just now, though the smell is not
 "quite sweet, this would not be discovered by an ordinary observer.
 "To me it is palpable; but it is by effects on my health that I judge

" best; and, within the last four or five days, I have found my strength considerably diminished; without doubt from the deterioration of the bread. You contract for bread made of the best wheaten flour. It never has been made of this in my opinion; and now it must be made of very inferior flour, or with a mixture of something else. Your last contract, I presume, was made when flour was much cheaper than now. It does not expire, I am told, till Christmas. I would humbly then beg leave to suggest that Magistrates should rather enter into an understanding with the contractor, and make some allowance for change of times, than that the health of nearly 500 people should be endangered. Lay this before the Committee; and believe me, Sir, with all due respect,

" Your obedient servant,
" ROBERT GOURLAY."

" *To the Chairman of Visiting Magistrates.*"

" No. 8.

" *House of Correction, February 3, 1825.*

" Sir,

" In letters to you and the Governor, dated September 16, October 25, and November 11, I spoke of the bread furnished to prisoners in this house. After my last letter I did expect that it would not be necessary again to write on the subject. The bread was pretty good for some weeks after the 11th of November; but towards Christmas became very indifferent. As I had heard that the contract was then to expire, it seemed of little consequence to explain, and I hoped that some new regulation would thenceforth prevent deterioration. After Christmas, however, the quality of the bread got worse and worse, till Sunday, the 23d ult. when the smell readily detected its noxious quality. From that day, in consequence of my speaking to the store-keeper, it has been sweet; but neither now, nor ever has it been so nourishing as what is made of the best wheaten flour.

" I have not trusted to the evidence of my own senses and word in this matter, important to hundreds in this house and thousands elsewhere, but have given the bread out for trial in a private family, and shall annex a certificate of experience. You cannot suppose I have ever addressed you from peevishness, and I shall not now dictate, but request you will lay this letter before Visiting Magistrates, and that they forward the same, or a copy to the Secretary of State, for consideration as to the best means of preventing very serious evil. While I gave out the bread for trial, I made several experiments. On one occasion I lived on potatoes in lieu of bread, and found myself get stronger with these, using at the rate of four pounds of potatoes for one of bread. On another occasion I used oatment, and was better with an equal quantity of that than bread, or four times the weight of potatoes.

" I am, yours, &c.

" ROBERT GOURLAY."

" *To the Chairman of Visiting Magistrates.*"

" *Certificate.* "

" On four different occasions I have had bread given to me by Mr. Gourlay, in the House of Correction, Cold Bath-fields, for the purpose of trying its quality in my family: viz.—twice in autumn, and twice during January last; being the bread furnished to him, and each time had the bread of a whole week. On two of these occasions—the second and last, I found it pretty good in quality, but by no means equal to what I purchase for my ordinary consumption. On the two other occasions it was very bad; often perceptibly so to the smell, and when put in water did not absorb nearly so much as other bread. My health was not affected by what I used of it; but my wife was sensibly worse—feeling, after the use of this bread, a craving in her stomach, and weakness otherwise.

(Signed)

" JAMES TITFORD."

" *February 3, 1825.*"

That, after No. 1. of the above letters was read to the Magistrates, they called your Petitioner before them, and laid him under an obligation not to communicate any complaint to the public, with regard to the prison, through the medium of newspapers; and produced an Act of Parliament, giving them power to inspect all letters going out of prison.

That, after No. 3. was read to the Magistrates, an order was issued not to suffer your Petitioner to be supplied with bread for experiment by purchase, which has since confined him wholly to the use of prison bread; and removed the check against its adulteration, which his reported experiments maintained.

That, in order to sustain his strength, while thus obliged constantly to use prison bread, he resorted to the allowance of butcher's meat, instead of milk, for a month; but found himself still kept weak by the noxious quality of the bread, and again uses milk; as, upon the whole, that article is least subject to such adulteration as affects health; which, however, is kept declining from the continued use of bread of inferior quality, and often noxious.

Your Petitioner, by stating these facts, has no wish to impeach Magistrates, who, he believes, are in every way superior to most men in their situation. Far less would he censure the Governor, who, on all occasions, evinces humane dispositions, and a desire rigidly to act up to the point of duty. Your Petitioner is convinced that the evil complained of results from deficient regulations, and the nature of affairs where there is little sympathy; and no direct interest to guard against abuse. His own sad experience has led him to reflect much on the subject; and he is now convinced that such regulations could be contrived as would insure to all prisoners and others, fed by the public, bread of wholesome quality.

He therefore entreats that these premises may be seriously taken

into the consideration of your Honourable House. And that this Petition may be printed, for the perusal of any Committee on Prison Discipline.

And he will ever pray,

ROBERT GOURLAY.*

* The above Petition was sent to the care of Mr. Martin, of Galway, and the following letters written on the occasion :—

*House of Correction, Cold-bath-fields,
March 29th, 1825.*

Sir,

Your tender regard for the brute creation leaves no doubt on my mind that you possess warm feelings towards your fellow-men, even of the lowest order. Indeed, I have heard that you once came to this House, and actually went on the treadmill for a considerable time, to satisfy yourself that it was not too severe for felons. I therefore beg of you to present and get printed the accompanying Petition, so that Members may reflect on the subject during the ensuing recess, and that afterwards you or some other humane person may step forward and secure to poor prisoners the staff of life as it should be.

I have the honour to be,

SIR,

Your obedient Servant,

ROBERT GOURLAY.

Richard Martin, Esq. M.P.

March 30, 1825.

Sir,

I despatched for you yesterday to the House of Commons a Petition regarding the bread of this Prison, thinking from your humanity towards the brutes, that you were likely to feel even for the most depraved of your own species. A newspaper afterwards fell into my hands whereby I learned that the House would rise to-day for the Easter holidays, and I have become fearful that if you were not in your place last night, the Petition may not have reached you to be presented before the adjournment, which would be essential, in as much as Members might during the recess read the printed copy, and reflect seriously on the subject—a very important one indeed, not as it regards the inmates of this prison only and the particular occasion, but thousands in other prisons, the army, &c. may be benefited from an inquiry into the simple principle of having secured to them the staff of life as it should be.

I shall take this opportunity of inclosing a second certificate to prove that up to the present time there is need of improved regulations here, and trusting that you will excuse this additional trouble,

I am yours, &c.

ROBERT GOURLAY.

Richard Martin, Esq. M.P.

CERTIFICATE.

I have tasted six loaves within the last ten days in Mr. Gourlay's apartment of Cold-bath-fields Prison: one of them only was equal in goodness to what is usually sold by bakers, the rest was all of very inferior quality, and some shocking bad. This day I have tasted a loaf which is sweet, and looks pretty well, yet is far from being equal in quality to what is made of the best wheaten flour.

JAMES TITFORD.

March 31, 1825.

April 31, 1825.

Sir,

I wrote to you under date 29th ult. and accompanied my letter with a Petition, which I begged of you to present to the House of Commons, and get printed, that

(A. 22.)

*To the Honourable the Commons, &c.***THE PETITION OF ROBERT GOURLAY, ESQUIRE,**

Humbly sheweth,

That your Petitioner has been persecuted for upwards of fifteen years; and, for the last half of that period, separated from his children.

That, to escape ruin, and find an asylum for his family, he went out, in 1817, to Upper Canada, where he had landed property and friends:—That, there becoming popular, he excited the jealousy of men in power, was twice tried, and twice honourably acquitted.

That, after this, his enemies becoming still more jealous, ordered him to leave the Province, under colour of an alien law; and merely because an individual swore he was seditious: on refusal, threw him into jail: detained him eight months without benefit of bail; and then banished him on proving the bare fact that he would not voluntarily depart, while so weak with confinement as to be unable to protest against proceedings.

That, returning to England, in 1819, he found his wife had been frightened out of a valuable farm without compensation: that his

Members might reflect on the subject during the holidays. Yesterday I despatched a second letter, but not hearing from you, or seeing any thing in the Parliamentary Reports of the Petition, am afraid some accident has happened. Will you then oblige me with two lines saying if my letters reached you, and if you decline presenting my Petition, return it to me.

Richard Martin, Esq. M.P.

Your obedient Servant,

ROBERT GOURLAY.

Mr. Martin not replying to the last of these letters, a friend of mine called at his house the 9th of April, and brought away the Petition, which is now in consequence published, and will thus, it is hoped, attract attention.

I add the two following letters to wind-up the concern.

*House of Correction,**March 31, 1825.*

Dear Sir,

Accept my thanks for your continued offers of additional comforts here. Nothing injures my health but using bread of an inferior quality, and often noxious. Could you order me to be supplied by the baker who serves the Governor all would be right as to this, and I should be greatly obliged to you.

Yours, truly,

*Doctor Webb.***ROBERT GOURLAY.**

DEAR SIR,

April 13, 1825.

You remarked to-day that I was looking better, and I am indeed now perfectly well. It is worthy of notice that the bread furnished by your special order has not only improved my health, but leaves no craving in the stomach, as the prison bread does. Much less satisfies hunger, inasmuch that I do with three loaves a week, of two pounds each, instead of the eight and three-quarter pound of the other, thereby saving a penny a day, which can be otherwise expended.

Let the Magistrates see this for farther reflection on a very serious subject to poor prisoners.

Yours, &c.

*Doctor Webb.***ROBERT GOURLAY.**

stock had been given away for half its worth; and that half put into bond for the security of his successor. He found, also, that a suit in Chancery had been revived against him; and that provision for his children was disputed at law. Thus situated—deprived of all property, and labouring under nervous malady induced by cruel imprisonment abroad, he spent four years convulsed with distress, which was heightened to the utmost by the sudden death of his beloved wife! At last, by extraordinary efforts, having recovered health and strength, he beat his opponent in Chancery, and secured his children's provision in the House of Lords.

That, though thus lightened of care, he could not re-possess his property without public inquiry; neither could he set about regular employment for a livelihood, or rejoin his family, because of continued persecution. In this desperate situation, and having failed of gaining notice by Petitions to Parliament, the King in Council, and the King in person, he thought of an extraordinary measure, which, being approved of by a friend, he executed coolly and deliberately: That, for this act, in itself harmless, he was arrested, accused of madness, and, on the mere opinion of two doctors, confined in the prison-room of the House of Commons till the prorogation of Parliament.

That, after this, while walking home peaceably and quietly, he was arrested, carried before a magistrate, and by him committed to the House of Correction, Cold-bath-fields, merely because the same doctors confirmed their opinion on oath; and under pretence that this brought your Petitioner within the meaning of the statute 39th and 40th George III. chap. 94.

That, on the 20th day of July, he was carried before Magistrates in Session, and offered liberation on bail: but, having experienced malignant effects from the imputation of insanity, and seeing, from the array in court of Crown Lawyers and Doctors, that it was the decided intention to cast him out upon the world as a person of unsound mind, he refused to give bail, and was remanded to prison, where he now remains.

That reflection on these unprecedented and revengeful proceedings assures him more and more that his resolution to hold out is necessary and proper. The effect of machinations against his reputation has been such that he is abandoned in prison by many relations and friends: his sisters have ceased to correspond with him; and his daughters have been taught to address him in terms of reproach. Nay, more, on the 9th March, 1825, a Petition was addressed "*unto the Right Honourable the Lords of Council and Session*" in Edinburgh, praying for an interference in the management of your Petitioner's affairs, on the plea that your Petitioner was now incapacitated for the management of the same, in consequence of the accusations against him, the declarations of the doctors, and his present state of durance.

That granting bail would be corroborating the charge of insanity, and thereby fixing a taint upon your Petitioner and his family.

That demanding bail for the good behaviour of a madman is absurd.

That demanding bail for keeping the peace, when no one has expressed dread, is unnecessary.

That substituting opinion for proof, where the liberty of the subject is concerned, must be considered a dangerous inroad on constitutional principle, a flagrant abuse of law-practice, and, established by precedent, would render the *Habeas Corpus* Act a dead letter.

That your Petitioner having lost possession of his land in Canada by a mere expression of opinion, and being now deprived of liberty on the same hollow ground, trusts that such flagrant outrage and injustice will bring into notice the whole of his case, and obtain for him that hearing which he has so long and so earnestly prayed for: will cause inquiry which may not only lead to his relief, but throw light on colonial policy and the system of the poor-laws.

Respecting your Petitioner's conduct in the world, he most willingly would refer to any competent number of persons out of thousands who have known him in Fife, his native county; in Wiltshire, where he kept house for seven years; in Canada; and in London.—Respecting his moral character, as a husband, a father, a master, and a friend, he would refer to those who have lived under his roof for years, and others who have lodged with him elsewhere.—Respecting his habits of business, he would refer to correspondence and accounts; by which, through a period of twenty years, he can challenge all check, either in word or figure.—Respecting his opinions and principles, he would refer to books, and pamphlets, and papers, published by him in regular succession during sixteen years.—Respecting his sanity at the time of accusation, and when the doctors gave their opinion, he would refer to persons who waited on him day and night in the prison-room of the House of Commons; and he will subjoin hereto letters which were then addressed to the Right Honourable the Speaker. He would further refer to all who have conversed with him in the House of Correction. To establish, indeed, this point, so essential to his welfare, he has, from the first day of his confinement, written articles for newspapers; addressed letters to visiting magistrates, and others, to prove how uniformly correct and cheerful he has been under the greatest trials—in want—in ignominy—and alone. To all these documents he would anxiously refer, not only on his own account and that of his children, but of every British subject who may, in the same way, be caught by a pit-fall of law; be blighted in character; and ruined beyond hope or consolation.—He would earnestly call the attention of your Honourable House to the terrible consequences of admitting opinion for fact, by showing how very far from truth was that of the doctors in question: he would demonstrate that men, when paid for an opinion, will deceive not only the very elect, but themselves.

Your Petitioner does, upon his honour, declare, that he never so much as thought of breach of privilege in connexion with the act which caused his arrest: neither did that act proceed from passion or pique. On the contrary, he can produce written testimony of the reverse. He declares, upon his honour, that, first and last, he

acted on the principle of sacred duty to *himself*, his *children*, and his *country*.

Your Petitioner trusts that time has now smoothed down irritation; and that, after he has endured the greatest provocations with patience, equanimity, and good humour, he may find generosity in the English breast, its native seat. He therefore entreats that your Honourable House will not only take the whole of these premises into serious consideration, but review the Act of 39 and 40 George III. chap. 94, as it affects the liberty of the subject:—That fourteen petitions, written by him, and printed in the Journals of the House of Commons, be brought up and referred to a Committee:—That this petition [and its annexations*] be printed:—And that a commission be forthwith appointed to visit, examine, and assist your Petitioner, if found worthy.

And he will ever pray,

ROBERT GOURLAY.

Copies of Letters above referred to.

House of Commons, June 17, 1824.

Sir,

Last Friday, Mr. Brougham, in his place, confirmed to you, in the chair of the House of Commons, a report of my having assaulted him in the lobby, and made it appear as if I was a person of disordered intellect. You caused doctors to visit me, who have reported me of unsound mind: now, sir, this is a very serious charge; and, as I am the father of five children, I trust you will think of it at once seriously, calmly, and considerately. It is proverbial for *doctors to differ*; and, when the truth is known, the whole world, I trust, will differ from your doctors. Madmen do not communicate their designs. I concerted mine against Mr. Brougham in the lobby of the House of Commons five months ago, with Doctor Joseph Hamilton, who approved. Doctor H. received a liberal education; took out his degree as a physician, at Edinburgh, six years ago; practised in Canada several years, and is in every way entitled to respect as a gentleman. I was born to the inheritance of landed estates in Fife-shire, both by father and mother; received the most liberal education; and was bred to no profession, only because my father thought he had abundance to support me as a gentleman. In my native county, where I resided till thirty years of age, I visited families of the first rank, and had a standing invitation to dine with the Lord Lieutenant. I became a tenant to the Duke of Somerset, not from any wish to make a livelihood by farming, but with great and good objects in view. I lived, a married man, in Wiltshire, seven years. I could get hundreds, in every rank, to attest that my conduct, during that

* These enclosed words will be struck out of the petition before it is presented.

period, was uniformly respectable and correct: and, three weeks ago, looking forward to what might happen, I wrote to a clergyman of the Church of England there, intimating that I might want from him and some of his neighbours a certificate as to my character and conduct.

For the last seven years I have been exposed to trials which would have driven most men mad; but I have weathered the storm of adversity, and am now clearer-headed than ever I was before in my life. On the verge of madness, I yielded to circumstances: broke stones for the highway, and cured myself of a nervous malady which for three years tore me to pieces and marred all my projects. This, sir, was any thing but the act of a man of unsound mind, for nothing but uncommon strength and toughness would have carried me through. Since, then, I have beaten the Duke of Somerset out of Chancery, and gained for my children £3000 in the House of Lords, which I did contrary to the advice of my friends—from knowing better than them my business.

The first evening that I was confined here I wrote out a petition to the House of Commons, declaring that I had no intention to insult the House, and was sorry any thing of the kind should be supposed. That petition I could get no one to present: and another has been equally unfortunate; in consequence of which I now address you by letter, to entreat that I may be called to the bar of Parliament, and have a Committee appointed to inquire specially into my whole case; which, not only for my own sake but that of the public, is worthy of being thus honoured. I would not, sir, appeal to Scripture but as it is part and parcel of the law of England. We read in Scripture of Christ whipping people in the temple; of his ordering a sword to be carried in his company; and of his being in anger. All this I consider fair precedent, and what should induce you to give me fair play.

I have the honour to be,

ROBERT GOURLAY.

The Right Honourable the Speaker.

*Prison-Room, House of Commons,
June 18, 1824.*

Sir,

I wrote to you yesterday; and, while unnoticed in my present situation, you cannot wonder at my addressing you a second time, to protest against unfair treatment, and again to beg for a hearing at the bar of the House.

Had I committed the act for which I am confined in prison, and with violence declaring that I wished to insult the House, as well as one of its Members, there would even then have been a limit to chastisement; but what can be worse, and where is the limit, condemning me upon mere suspicion, and the opinion of two doctors, after a few loose conversations? Is this sufficient to set me down as a person of unsound mind, who must be delivered over to the keeping

of my friends, or forcibly sent to Bedlam? Felix (Festus) did not so much injure Paul, when he thought him mad; nor did the ingenious Frenchman, who got to Paris by writing "*poison for the king*" on a parcel of brick-dust, suffer for it. Sir, could I gain my ends, even by staking life on the venture, I should be contented, and my country benefited beyond measure. "*Fear came upon all,*" and long ago proclaimed Ignorance a coward. Ignorance would call it treason to pull the King by the nose, while, in fact, it might be sacred duty. Suppose his Majesty to fall into a narrow well, from whence he could not be got out but by using his nose as a handle, would it not be justifiable to pull him by it?

I am, most respectfully,

Yours, &c.

ROBERT GOURLAY.

The Right Honourable the Speaker.

*Prison-Room, House of Commons,
June 20th, 1824.*

Sir,

According to your orders, I am visited daily by one or two doctors, the same who reported me of unsound mind. I trust before the end of the session they will recant, and report me quite the reverse. That they may know me the better, I talk to them freely; and am sorry there is not a window in my breast for them to see my heart, instead of judging by conversation only. They have not yet handled my head, and unless they ask leave, I shall believe them to have more sense than mere phrenologists. As it is an established fact, that "*great wit to madness is allied,*" we shall not quarrel because of the first report. It was very like the act of a madman to whip a member of your Honourable House within the threshold; but so were a hundred deeds of greater men than your prisoner, to say nothing of him who should be our example in all things. I was, sir, from infancy, of a sanguine, speculative, and enthusiastic temperament, and the concatenation of events conspired to heighten this. Just now six years ago, after being most cruelly, most unjustly, and most unnecessarily imprisoned for six months, I was still more cruelly, unjustly, and unnecessarily shut up within a room of the prison for six weeks, by the end of which time, weakened and exasperated, my nervous system was seriously injured; and being banished without proof of crime,—banished from a country where I had property and friends, good intentions and great hope of accomplishment—I came home to England only to discover greater misfortunes, and to be exposed to the greatest of all trials. Four years, sir, have gone by, in which, were my history detailed, the wonder would be, how I had strength of mind and sufficient good principle to sustain me. It is only a month ago, since real comfort dawned upon me through a decision of the Lords, which ensured bread to my children, long most unjustly withheld; and it is only within this month that I have enjoyed any thing like unalloyed happiness for these last four gloomy years;—only within this month that I have

felt assurance, that I may yet recover from trial, and make advantage of it.

This, sir, is Sunday,—a day which I was bred up to hold sacred; and which I shall ever revere even as a civil institution. This is a day on which you ought to reflect seriously,—on which, freeing your mind from all the fashions of men, you should think abstractly of pure goodness. I have petitioned Parliament on great subjects systematically for eight years, and my Petitions of the last four years have been recorded in the Parliamentary Journals. Say nothing of my private concerns, in which I can produce documents to attest my correctness,—accounts and correspondence regularly filed through a period of upwards of twenty years. Say nothing of my having been beset, for the greater part of that time, by law persecution, and in every instance having come off conqueror. Say nothing of my being shut up here and reported of unsound mind, when the very doctors themselves will be brought to a better opinion. Say nothing of all this, but take my printed Petitions of 1820, 1821, 1822, 1823, and 1824:—take these petitions, and let me be judged by them. These Petitions, sir, will not only acquit me from charges of being unsound in mind; but, if you will on this day peruse them,—(and they are not unfit for perusal this day,)—if you will on this day, sacred to truth and goodness, seriously peruse these Petitions, you will think me worthy to be heard at the bar of Parliament; or, if you would rather have it, before a Committee in this room, to plead specially on the prayers of my Petitions, to answer to interrogatories, and to amplify. The subjects are out of sight, the most important for inquiry of any which now concern the welfare of the world,—poor-law reform and emigration connected with it;—the improvement of the British peasantry, and the spread of industrious honest men throughout the earth,—the growth of humanity and the glory of God.

I am, your obedient servant,

ROBERT GOURLAY.

The Right Honourable the Speaker.

*Prison-Room, House of Commons,
June 21, 1824.*

Sir,

I shall annex below, certificates which are undoubtedly better authority than that of Doctors Monro and Sir George Tuthill, however high these gentlemen may rank professionally; also, a list of Petitions alluded to in my letter of yesterday, which I should be glad were brought up and submitted to a Committee of the House of Commons.

I am, yours, &c.

ROBERT GOURLAY.

The Right Honourable the Speaker.

CERTIFICATES.

I have been intimately acquainted with Robert Gourlay (now confined by order of the House of Commons) since the month of

January last, and have visited him daily during his present confinement. I never knew any one more regularly cheerful, more determined in principle, or more consistent in conduct.

JAMES BARBER, Surgeon.

June 19, 1824.

South-street, Finsbury-square,

June 19, 1824.

I have known Mr. Robert Gourlay (now confined by order of the House of Commons) for more than three years; and, during much of this period, he was a daily visiter at the London Institution, where his conduct was uniformly regular and proper.

He has repeatedly consulted me as his medical adviser and surgeon. On these occasions his conversation was always sensible; and, even while suffering acute pain from a contusion, his flow of spirits was regularly cheerful.

L. LEESE.

I, Joseph White, of Wily, in Wiltshire, served Robert Gourlay (now confined by authority of the Speaker of the House of Commons) for several years as a farm-servant; and afterwards had him for a lodger for three months in the year 1822. In his conduct to me, and every body, he was uniformly kind, civil, and indulgent. He was punctual in his payments, and orderly in all his affairs. From my experience, I should suppose no man further removed from insanity.

JOSEPH WHITE.

Infant School, Spital-fields,

June 15, 1824.

13, Clifton-street, Finsbury,

June 15, 1824.

We hereby certify that Robert Gourlay (now confined by an order of the House of Commons) has been our lodger for the greater part of the last three years:—that we have uniformly found him punctual in his payments, regular in his habits, quiet, orderly, and civil to every body:—that, so far from being insane, we can say, from all our experience of him, that no man, in our opinion, is less so.

JAMES PRESSEY & ELIZABETH PRESSEY.

We, who have long lodged, and some of us for years, in the same house with Mr. Gourlay, viz. No. 13, Clifton-street, Finsbury, have never had the smallest reason to dissent from what is above affirmed by Mr. and Mrs. Pressey.

EDMONDE DE LA TOUR—WILLIAM BEARD—
JAMES BARBER.

List of Petitions.

1st, presented by Sir J. Mackintosh July 12, 1820.
2d, presented by Sir J. Mackintosh June 27, 1821.

| | | |
|---------|-------------------------------------|----------------|
| 3d, | presented by Mr. Hume | Feb. 27, 1822. |
| 4th, } | presented by Mr. Brougham | July 12, 1822. |
| 5th, } | | |
| 6th, | presented by Mr. Grey Bennet | June 5, 1823. |
| 7th, | presented by Mr. John Benett | June 19, 1823. |
| 8th, | presented by Mr. Hume | June 27, 1823. |
| 9th, } | | |
| 10th, } | presented by Sir J. D. Astley | March, 1824. |
| 11th, } | | |
| 12th, | presented by Sir J. D. Astley | June, 1824. |
| 13th, | presented by Mr. Coke | June, 1824. |
| 14th, | presented by Mr. Scarlett | June, 1824. * |

* The above Petition was sent to Mr. Stuart Wortley, and the following correspondence has ensued.

*House of Correction, Cold-bath-fields,
March 29, 1825.*

Sir,

Having heard, from all quarters, that you are a staunch government man, yet perfectly independent in principle, opinion, and conduct,—“*Statesman, yet friend to truth,*” I resolved, some time ago, to entrust you with the accompanying Petition; and a friend, who has been my regular visitor in this place, would have waited on you with it last week, but was suddenly called from town, to attend his father’s funeral, and, I am afraid, may not return till after the adjournment of the House of Commons.

In this situation, may I request of you merely to offer the Petition to be printed, for perusal of members during the recess; and my friend John William Bannister, Esq. student-of-law, will wait upon you, for personal communication, the end of this week or beginning of next. The only thing requiring particular notice would be to secure the printing of the Annexations along with the Petition, that being out of the common course.

I have the honour to be, sir,

Your obedient servant,

J. Stuart Wortley, Esq. M.P.

ROBERT GOURLAY.

Curzon-street, March 29, 1825.

Sir,

I have to acknowledge the receipt of the enclosed Petition as well as the accompanying letter. The House of Commons would not, I conceive, order the “*Annexations*” to the Petition to be printed; and if, therefore, you wish the Petition to be presented without them, it will be necessary for you to write that out distinct from the “*Annexations,*” and omit the prayer for the Petition and “*Annexations*” to be printed; in which case I have no objection to present it so altered. I should, however, add, that I am about to leave London to-morrow morning, and that I cannot, therefore, present the Petition until my return—about the 20th of April.

I am, sir,

Robert Gourlay, Esq.

Your very humble servant,

(Signed)

J. STUART WORTLEY.

*House of Correction, Cold-bath-fields,
April 2, 1825.*

Sir,

Having received your letter of 29th ultimo, and consulted on the subject, I have now only to say that I shall cheerfully agree to your proposal.

On your return to town, my Petition, altered, shall be delivered to you, by my friend, of whom you cannot too freely inquire as to me, and the trying predicament in which I am placed.

Your obedient servant,

J. Stuart Wortley, Esq.

ROBERT GOURLAY.

That the reader may at once have opportunity of perusing the monstrous statute of Upper Canada, which appears above, page 11—and that by which I have a second time been entrapped, I here sub-join a copy of

39TH AND 40TH GEORGE III. CAP. XCIV.

An Act for the safe custody of Insane Persons charged with offences. (28th July, 1800.)

Preamble.

The Jury, in case of any Person charged with Treason, &c. proving to be insane, to declare whether he was acquitted by them on account of Insanity and the Court shall order him to be kept in Custody till His Majesty's Pleasure be known, &c.

WHEREAS persons charged with high treason, murder, or felony, may have been or may be of unsound mind at the time of committing the offence wherewith they may have been or shall be charged, and by reason of such insanity may have been or may be found not guilty of such offence, and it may be dangerous to admit persons so acquitted to go at large: be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that in all cases where it shall be given in evidence upon the trial of any person charged with treason, murder, or felony, that such person was insane at the time of the commission of such offence, and such person shall be acquitted, the jury shall be required to find specially whether such person was insane at the time of the commission of such offence, and to declare whether such person was acquitted by them, on account of such insanity; and if they shall find that such person was insane at the time of the committing such offence, the court before whom such trial shall be had, shall order such person to be kept in strict custody, in such place and in such manner as to the court shall seem fit, until His Majesty's pleasure shall be known; and it shall thereupon be lawful for His Majesty to give such order for the safe custody of such person, during his pleasure, in such place and in such manner as to His Majesty shall seem fit; and in all cases where any person, before the passing of this act, has been acquitted of any such offences on the ground of insanity at the time of the commission thereof, and has been detained in custody as a dangerous person, by order of the court before whom such person has been tried, and still remains in custody, it shall be lawful for His Majesty to give the like order for the safe custody of such person, during His pleasure, as His Majesty is hereby enabled to give in the cases of persons who shall hereafter be acquitted on the ground of insanity.

Persons indicted for any Offence, and upon Arraignment found to be insane, or if upon Trial they shall be so found, &c.

II. And be it further enacted, That if any person indicted for any offence shall be insane, and shall upon arraignment be found so to be, by a Jury lawfully impannelled for that purpose, so that such person cannot be tried upon such indictment, or if, upon the trial of any person so indicted, such person shall appear to the jury charged with

such indictment to be insane, it shall be lawful for the court before whom any such person shall be brought to be arraigned or tried as aforesaid, to direct such finding to be recorded, and thereupon to order such person to be kept in strict custody until His Majesty's pleasure shall be known; and if any person charged with any offence shall be brought before any court to be discharged for want of prosecution, and such person shall appear to be insane, it shall be lawful for such court to order a jury to be impannelled to try the sanity of such person; and if the jury so impannelled shall find such person to be insane, it shall be lawful for such court to order such person to be kept in strict custody, in such place and in such manner as to such court shall seem fit, until His Majesty's pleasure shall be known; and in all cases of insanity so found, it shall be lawful for His Majesty to give such order for the safe custody of such person so found to be insane, during His pleasure, in such place and in such manner as to His Majesty shall seem fit.

III. And, for the better prevention of crimes being committed by persons insane, be it further enacted, That if any person shall be discovered and apprehended under circumstances that denote a derangement of mind, and a purpose of committing some crime, *for which, if committed, such person would be liable to be indicted*, and any of His Majesty's justices of the peace before whom such person may be brought shall think fit to issue a warrant for committing him or her as a dangerous person suspected to be insane, such cause of commitment being plainly expressed in the warrant, the person so committed shall not be bailed except by two Justices of the Peace, one whereof shall be the justice who has issued such warrant, or by the court of General Quarter Sessions, or by one of the Judges of His Majesty's Courts in *Westminster Hall*, or by the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal.

IV. And whereas insane persons have, at different times, endeavoured to gain admittance to his Majesty's presence, by intrusion on his Majesty's palaces and places of residence and otherwise, and his Majesty's person may be endangered by reason of the insanity of such persons: be it therefore enacted, That if any person who shall appear to be insane shall endeavour to gain admittance to his Majesty's presence, by intrusion on any of his Majesty's palaces or places of residence, or otherwise, so that there may be reason to apprehend that his Majesty's person may be endangered, it shall be lawful for his Majesty's Privy Council, or one of his Majesty's Principal Secretaries of State, to cause such person to be brought before them or him; and if upon examination it shall appear that there is reason to apprehend such person to be insane, and that the person of his Majesty may be endangered by reason of the insanity of such

the Court shall order them to be kept in Custody till His Majesty's Pleasure be known.

Person committed by any Justice on account of being dangerous and insane, shall not be bailed except by Two Justices, &c.

The Privy Council, or One of the Secretaries of State, may cause Persons appearing to be insane, and endeavouring to gain Admittance to His Majesty, to be kept in Custody till the Insanity of such Persons be inquired into in the Manner herein directed, &c.

person, it shall be lawful for his Majesty's Privy Council, or one of his Majesty's Principal Secretaries of State, to order such person to be kept in safe custody in such place, and in such manner, as according to circumstances shall be ascertained; and for such purpose, it shall be lawful for the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Great Britain*, to award a commission under the said Great Seal, directed to certain commissioners to be therein named, to inquire into the sanity of such person, and whether the person of his Majesty may be endangered by reason of the insanity of such person, and for such purpose, to direct the sheriff of the county where such person shall be, to summon a jury to try the sanity of such person, and whether his Majesty's person may be endangered by reason of the insanity of such person, in the same manner as juries are summoned to try the sanity of persons on a commission in the nature of a writ *de lunatico inquirendo*; and if upon the inquisition so taken it shall be found that such person is so far insane that the person of his Majesty may be endangered by reason of the insanity of such person, it shall be lawful for the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal for the time being, to take order for the safe custody of such person, so long as there shall be reason to apprehend that the person of his Majesty may be endangered by reason of the insanity of such person; and if it shall afterwards appear that such person shall have recovered the use of his or her reason, so that there shall be no longer any reason to apprehend any danger to his Majesty's person, from the insanity of such person, it shall be lawful for the Lord Chancellor, Lord Keeper, or Lords Commissioners for the custody of the great seal for the time being, to inquire into the fact by such means as to him or them shall seem proper; and if it shall appear to his or their satisfaction, that such person has so far recovered the use of his or her reason, that there is no ground for apprehending any danger to His Majesty's person from the insanity of such person, it shall be lawful for the said Lord Chancellor, Lord Keeper, and Lords Commissioners respectively, to direct such person to be discharged from custody, either absolutely or conditionally, or under restrictions, as to him or them shall seem meet.

(A. 23.)

To the Honourable the Commons, &c.

THE PETITION OF ROBERT GOURLAY *

Humbly sheweth,

That your Petitioner having carefully perused a Bill now in progress before your Honourable House, entitled, "*a Bill to enable His Majesty to grant to a company certain lands in the Province of Upper Canada; and to invest the said company with certain powers and privileges thereto,*" loses no time in protesting against passing the said Bill, conceiving that the measure has not been sufficiently weighed, and seeing upon the face of the bill itself the clearest evidence that the business is not sufficiently understood.

Your Petitioner presumes to speak confidently and boldly on this subject from right, knowledge, and experience. In the year 1807, he acquired, by marriage, a share of certain lands in Upper Canada; and in 1810, paid money for other lands which he purchased there. In the year 1817 he went abroad to Upper Canada, for the purpose among others, of viewing and ascertaining the value of his property; but found it then unsaleable because of certain interferences on the part of the local Government with the operation of British statute law, then notorious; and which your Petitioner could yet make evident at the bar of your Honourable House, or before any committee, commission, or board. Your Petitioner travelled through the whole extent of Upper Canada, then settled—circulated queries and obtained much information as to the Province in every way. With this information, and a general knowledge of British agriculture, acquired by study, travelling, and practice, as a farmer in Scotland and England during a period of twenty years, he was able to form not only correct notions of the value of land in Upper Canada, but to see how this could be greatly increased. Thus qualified, and having also travelled in the United States of America, to make inquiries as to the management of land there, he despatched a letter to England, dated 24th March, 1818, to be laid before Lord Bathurst; and which, he has reason to believe, was laid before his Lordship, wherein it was asserted, that "*Upper Canada might yield a handsome revenue; and that the public lands, well managed, could afford to maintain two regiments; repair, and keep in repair, all the forts; and, after ten years, yield Government an annual rent of one hundred thousand pounds.*" Being detained in the Province sixteen months after this letter was despatched, your Petitioner's knowledge was greatly increased; his schemes for improving the value of land were matured; and his views of rendering British North America valuable to the nation

* Presented by Mr. Hume, 3d of May, and ordered to be printed 6th of May, 1825.

greatly extended. Returning to England, he stated to every Member of the House of Commons, by a circular printed letter, dated June 10, 1820, that "*Upper Canada, instead of costing this country a large sum of money to maintain it could yield annually a handsome revenue to the British Government; that instead of remaining the poorest, it may speedily become the richest part of North America; that it may this very year give employment and bread to 50,000 of the poor inhabitants of Britain; and for many years to come, afford annually a similar drain for redundant population.—Lastly, that it may be made a permanent and secure bulwark to the British empire instead of being a lure to its invasion and downfall.*"—To illustrate and prove these positions your Petitioner put to press a work intended to be published in successive volumes, but when the first was ready for publication, a melancholy domestic calamity unfitted him for business, and a series of disasters followed, which ultimately marred all his designs—lost to him £500 expended on the work, which fell to the ground, unavailing and short of the volume wherein was to have been set forth his plans of improvement and illustration. He further corresponded with the Colonial Department; and for several years addressed letters to distinguished Members of Parliament to gain notice, but could not succeed even though he had four Petitions presented and ordered to be printed, 12th July, 1820; 27th June, 1821; 27th February, 1822; and 18th July, 1822. He has still nevertheless kept a steady eye on all that relates to North American Provinces, and has watched the progress of the Canada Company. This company has, without consulting your Petitioner, copied into its prospectus of fifty-seven pages, no less than seventeen pages of his work, and six of these pages, the most important, without even acknowledging the plagiarism. Your Petitioner, from many considerations, suspecting that this business was not fully understood, wrote a letter to the Lord Chancellor under date, September 6th, 1824, as follows: "*Should your Lordship think fit to lay the whole before the King for actual perusal, I shall be happy to enter into explanations of the vast scheme of connecting poor-law reform with emigration, which has engaged my thoughts for seven years, and which no other person seems to have contemplated, though of the utmost consequence to national welfare. After the American war, Mr. Oswald, a London merchant, was entrusted with settling the boundaries between the United States and Canada. He gave away territory equal in extent to the then settled part of the United States, which might have been retained, and afterwards shed tears for his error. Present Ministers have agreed to sell to a company the Government reserves of Canada, and half the church lands, without consulting Parliament, or duly considering the good which might accrue to England, from judicious management, and due preparation. If you think then hints of no value, and my papers unworthy of being laid before the King, I shall be glad to have this with the annexations, written on the twenty-six following pages returned to me in the course of*"

" *ten days. I think the whole of such consequence that I shall subscribe this before witnesses,—and am,*

" *Your Lordship's obedient servant,*
ROBERT GOURLAY.

" *Witness to the signing } W. J. HUMPHREY,*
" *heresof. } THOMAS CARLOS.*

" *To the Right Hon. the Lord Chancellor.*"

Your Petitioner now earnestly entreats, that before the Canada Bill is passed, his Petitions of 12th July, 1820—27th June, 1821—27th Feb. 1822; and 18th July, 1822, be brought up and reconsidered. That your Petitioner may either be examined on this subject at the bar of your Honourable House, or before a Committee, Commission, or Board, appointed for inquiry as to North American Provinces and emigration: also, that this Petition may be printed.

And he will ever pray,

ROBERT GOURLAY.

(A. 24.)

To the Right Honourable the Lords of Council and Session.

THE PETITION OF ROBERT GOURLAY*

Humbly sheweth,

That it was intimated to your Petitioner, for the first time, on the 20th April, 1825, that Thomas Henderson, farmer, at Newton, of Weymss, had petitioned your Lordships for behoof of your Petitioner's children; and the same day his printed Petition, dated 9th March, 1825, was put into your Petitioner's hands.

That the said Petition commences with stating, that he, the said Thomas Henderson, " *is under the necessity of applying to the Court for the appointment of a factor to uplift, discharge, and invest a certain sum of money, the property of the minors,*"—meaning your Petitioner's children; and, after setting forth circumstances, proceeds as follows: " *It therefore becomes necessary to uplift these sums, and invest them securely for behoof of the parties interested. It would, properly speaking, be the duty of Mr. Robert Gourlay himself to execute this business, as trustee for his children; but he is now absent from Scotland, and in peculiar circumstances which preclude him from doing so. In point of fact, Mr. Gourlay was taken into custody in the month of June last, by warrant of the House of Commons, for an assault upon Mr. Brougham, one of the Members, in the lobby of the House. The examination of Drs. Sir George Tuthill and Munro having satisfied the House that he was then in a state of insanity, he was kept in confinement till the close of the Session of Parliament, and being then of course liberated, he was immediately thereafter apprehended upon a warrant issued by the Bow-street*

* Despatched by post, 9th May, 1825, under cover " *To the Right Honourable the Lord President of the Court of Session, Edinburgh.*"

“ magistrates, in consequence of its having been thought necessary
 “ in certain high quarters, to have him still in coercion. The medical
 “ gentlemen who had been examined by the House of Commons were
 “ again examined on oath before the magistrates, and swore that
 “ they were still of the same opinion as to his state of mind, in which
 “ they were confirmed by observing his manner during the exami-
 “ nation then going on. Sir George Tuthill added, that he thought
 “ Mr. Gourlay was a dangerous person, and not fit to be suffered to
 “ go abroad ; whereupon the magistrates committed him to the ses-
 “ sions, under the act of Parliament, there to be further dealt with :
 “ and he has remained in confinement ever since.

“ It further appears to the Petitioner that there are other grounds,
 “ which of themselves render it necessary that the matter should be
 “ managed under the authority of your Lordships, and which en-
 “ title the Court to appoint a factor for that purpose. The Peti-
 “ tioner here alludes to a collision of interests between Mr. Gourlay and
 “ the children, which arises thus :— It will be observed, that Oliver
 “ Gourlay's estate having only paid dividends, there is a deficiency
 “ in the sum provided to the children by the grandfather ; and for this
 “ deficiency, Mr. Robert Gourlay is liable, personally, by his contract
 “ of marriage, as cautioner for his father. But Mr. Gourlay has no
 “ property, of any description, in this country, out of which to make
 “ up the deficiency, nor any employment, nor means of subsistence,
 “ so far as the Petitioner knows ; and being, also, not altogether free
 “ of debt, there is reason to apprehend, that if he were to get posses-
 “ sion of this fund, it might be either attached by his creditors, or
 “ employed in their payment, or that it might be otherwise not securely
 “ invested. In fact, a design to pay debt with part of it, has been
 “ already intimated by Mr. Gourlay ; and therefore the Petitioner
 “ has felt it his duty to the children, to make the present application,
 “ that the money may be laid out upon heritable security in Scotland,
 “ for behoof of the parties entitled thereto, by a factor named by the
 “ Court.”

Having quoted this much from the petition of Thomas Henderson, your Petitioner denies that he is in circumstances which preclude him from uplifting and investing the sums of money in question. He denies that the medical gentlemen were confirmed in their opinion by observing your Petitioner's manner during the examination. He denies that Sir George Tuthill added that he was a dangerous person, and not fit to be suffered to go abroad. He denies that there are other circumstances which render it necessary that the matter should be managed under authority of your Lordships. He denies that he is liable, personally, as cautioner for his father. He denies that there is reason to apprehend, that if he were to get possession of the fund in question, it might be either attached by his creditors, or employed in their payment ; or that it might be otherwise not securely invested. He denies that a design to pay debt with part of it has been already intimated in the least degree to endanger the same. Having said so much in contradiction, your Petitioner has now to state, that though he is in confinement, he remains so only till he gives bail, which he has refused to give, cou-

ceiving that, by doing so, he would, under circumstances, fasten upon himself and his family, the taint of insanity.—That it is notorious he is in no degree insane, whatever doctors, paid for an opinion, may have said, and that the offer of having liberty on bail is proof that he is not considered a dangerous person.—That so far from his confinement precluding him from the transaction of business, it does, in fact, enable him to manage his affairs better than he could otherwise do under circumstances ; and before he heard of Thomas Henderson's petition, he had commenced correspondence with an agent in Fifeshire, respecting the investment of the fund in question, on a land security in that county. It is here proper to remark, that the fund to be uplifted consists of principal and interest. The principal sum was provided to go either to one or more of your Petitioner's children, after his death, as he may decide. The interest is at your Petitioner's disposal, without question, on the part of his children, or any one else. It is a provision, however, so clearly destined for the maintenance of his family, that he dreads no threat as to its being seizable by his creditors ; and such a threat being communicated last September, to Mr. Chalmers, solicitor, Westminster, by Mr. Clark, writer to the signet, Edinburgh, for your Petitioner's information, he, Mr. Chalmers, answered immediately, that it was "*unjust and absurd*," and advised bringing an action, in your Petitioner's name, for payment of the said interest.

As to the assertion that your Petitioner has no property of any description, nor any employment, nor means of subsistence, he has to state that Thomas Henderson has been the chief cause of his, your Petitioner's greatest misfortunes, and this he will prove, should it be required. That he has a disposition to be troublesome, vexatious, and malignant, needs no proof out of his own petition, which, as it is altogether unnecessary, must appear to every impartial mind to be infamous, tending not only to ruin your Petitioner's credit, but to fix upon him and his children the taint of insanity.—Your Petitioner has not only to deprecate such a petition, but to complain of William Clark, W.S. who has suffered his name to be attached to it, as agent. Your Petitioner first employed William Clark as his agent, in 1807—never withdrew from him his agency, and does not conceive he is at liberty to throw the same up—far less to take part against your Petitioner, under present circumstances.

Your Petitioner, trusting that so odious a petition as that of Thomas Henderson may be voluntarily withdrawn, has delayed all formal opposition to it, up to this 9th day of May, 1825, when he has written his agent, Mr. Chalmers, who corresponds with Mr. Clark, that leave may be obtained for answering it if required ; and under circumstances, he deems it prudent thus earnestly to entreat that no unfair advantage shall be allowed, either to Thomas Henderson or his agent ; but if it is necessary, that he, your Petitioner, should appoint another agent, in the place of William Clark ; that your Lordships may grant time for appointment of the same.

According to justice, &c.

ROBERT GOURLAY,
House of Correction, Cold-bath-fields,
London, 9th May, 1825.

(A. 25.)

To the Honourable the Commons, &c.

THE PETITION OF ROBERT GOURLAY

Humbly sheweth,

That your Petitioner has had two petitions, relating to the Court of Chancery, presented to your Honourable House, viz. on the 22d and 30th March, 1825.

CORRESPONDENCE RELATING TO THE THREE LAST PETITIONS.

*House of Correction, Cold-bath-fields,
April 25, 1825.*

Sir,

Supposing that you are now in town, may I beg the favour of two lines, saying when it would be convenient for you to see my friend, who will put into your hand the Petition which you were so good as say you would present for me to the House of Commons; and which is now altered to your wish. The very peculiar and cruel circumstances in which I am placed renders personal communication desirable and necessary.

I have the honour to be,

Sir,

Yours, respectfully,

ROBERT GOURLAY.

J. Stuart Wortley, Esq.

Curson-street, April 25, 1825.

Sir,

I shall be ready to receive your friend any morning, between half-past seven and two o'clock, that he will take the trouble of calling here.

I am, Sir,

Your very humble servant,

J. STUART WORTLEY.

Robert Gourlay, Esq.

*House of Correction, Cold-bath-fields,
26th April, 1825.*

Sir,

Your obliging favour of yesterday's date reached me this morning. My friend Bannister has been since with me—will wait upon you to-morrow with my Petition; and I beg leave to repeat, that you cannot too freely interrogate him as to my character and conduct,—in public and private—at home and abroad. Mr. B. was some time in Canada, and therefore can satisfy you the better as to my conduct and views there. My case is of so cruel and complicated a nature, that I do not even wish to be liberated from this house of bondage, without the fullest scrutiny by a Parliamentary commission; and, in preparation, have now a work in the press, a proof sheet of which accompanies this, containing my Petition, and the statute, under colour of which I am confined, that you may more readily peruse these.

To impress upon your mind more strongly the dreadful consequences resulting from my present treatment, I also trouble you with a printed petition, served upon me last week, whereby you will see that an attempt is making to rob me of the control over a provision for my family, which was secured in the House of Lords, by my perseverance—in fact, to separate me from my children. As I shall immediately put in a counter petition, showing the gross falsehoods and insidious design of this one, I do not fear it; but still I repeat, the consequences are dreadful, inducing even my relations to join against me, at a time when I am holding out to rescue my honour and reputation.

That the prayers of these petitions not being yet answered, your Petitioner deems it a duty to himself, his children, and his country,

As this document is an official copy, you will have the goodness to return it to me, by Mr. Bannister, to-morrow.

I have the honour to be,
Sir,

Your obedient servant,
ROBERT GOURLAY.

J. Stuart Wortley, Esq.

P.S. Having been too late for the post, this will now be handed in by Mr. B.
R. G.

*House of Correction, Cold-bath-fields,
28th April, 1825.*

Sir,

Mr. Bannister has returned to me with the Petition; and after consulting with him as to further alterations, I have resolved to write it on one sheet, and the annexations on another, so that the whole may be laid on the table, while the Petition is kept distinct for printing.

The delay is not to be regretted, as, from the cordial reception you gave my friend, I am more sanguine of your taking an interest in the business; and, at leisure, too, may look over the printed documents, so as more clearly to perceive the very cruel circumstances in which I am placed; and from which nothing but full and fair Parliamentary inquiry can deliver me.

Mr. Bannister says, you have received some petitions from the country in my favour. I would be glad could you drop me two lines, saying whence they have come; and were you in the House of Commons, it would be well to present them, the more to engage attention. By Monday, I shall get my own re-written.

I have the honour to be,

Sir,

Yours, &c.
ROBERT GOURLAY.

J. Stuart Wortley, Esq.

House of Commons, Friday evening.

Sir,

In answer to your letter of yesterday, I have to inform you, that the petitions which I have received upon your case, and of which I spoke to Mr. Bannister, were three from Ceres in Fife, and one from Ferry-port-on-Craig: and I have, according to your desire, presented them to the House of Commons this evening.

I am, Sir,

Your very humble servant,
J. STUART WORTLEY.

Robert Gourlay, Esq.

House of Correction, May 2, 1825.

Sir,

Accept my thanks for presenting petitions in my favour last Friday. I should this day have had my own petition, to be presented by you, re-written and despatched; but my attention has been arrested by an affair demanding more instant notice.

On Saturday I received from Mr. Hume, a copy of the Canada Bill, now in progress before the House of Commons. I had suspected beforehand, that the business to which this relates was not as it should be: but on seeing the Bill and weighing all circumstances, became assured of it. It seemed of such weighty import to the nation, that I wrote to Mr. Hume, inviting him to visit me, and converse on the subject; but this morning have a letter from him saying, that the immensity of public business

again to address your Honourable House on the same subject; to recapitulate some facts; advance others; and prevail, if possible, by much entreaty.

in his hands, prevents his seeing me: and that the bill is to be read a third time this evening. I have returned to him, in consequence of this, the bill, with the following endorsement:—"I hereby protest against the hurried passing of this bill, as a measure ill-digested, and suspecting that the valuable property of Upper Canada is about to be given away, on little, mercenary, and shameful principles."

If you have had leisure to read over the printed papers delivered by Mr. Bannister, intended as an Appendix to an account of my life,—afterwards to be published—you will see how persevering I have been as to Canada, and you may depend upon it, I have not been so from any unworthy motive. There is a mighty national interest concerned with a sound policy towards North American Provinces: and it is very grievous, that Ministers have all along been blind to this. Were I visited here by a commission, and examined, I should have hope yet, to throw light on the subject. I am about to write a petition to the House of Commons, relating to the Canada bill, which I shall despatch to Mr. Hume, as he has long paid attention to colonial affairs, and which I hope he will receive in time to be presented this evening. In that case I should be glad if you would listen to the reading, and support the prayer. A very great mistake has gone abroad, that I am inimical to government. I am as little so as insane; and had I the pleasure of conversing with you, doubt not should dispel suspicions of both.

I have the honour to be,

Sir, yours, &c.

J. Stuart Wortley, Esq.

ROBERT GOURLAY.

3d May, 1825.

Sir,

After writing you yesterday, I drew out a petition respecting Canada, and despatched it to Mr. Hume, at the House of Commons, that he might present it in the evening; but the newspapers of to-day give no report of this, and Mr. Hume has returned to me the bill protested against, saying that he cannot arrest its progress, unless I point out the grounds of objection. Unfortunately I am this day confined to bed with fever and cold, so that beyond writing this scrawl, I am able to do nothing. This, however, together with the bill, I shall send to you, with a special messenger, as the best proof of my sincerity and anxious desire, that the bill should not pass without further consideration. Were I visited here and examined, I could give ample reasons for this. Had I been able to sit up a sufficient time, I should have sent you a copy of my petition forwarded to Mr. Hume. As it is, you may still see it in his hand, or, if presented, on the table. And I cannot too earnestly press you to oppose the passing of it, till the subject is inquired into and well understood.

Excuse this liberty, and believe me, Sir,

Respectfully yours,

J. Stuart Wortley, Esq.

ROBERT GOURLAY.

House of Correction, 6th May, 1825.

Sir,

Along with this you will receive my petition. It is not altered in the manner proposed; but it is every way improved, and I hope now unobjectionable. The letters and certificates are thrown into the body of it, the list of petitions discarded, and several unnecessary words omitted. I was led to this by seeing that Mr. Williams had got a petition of mine printed 25th ultimo, containing letters and certificates; and, in the present case, these inform as to my history, and give evidence of my sanity, equanimity, and good humour. It was my intention to have written you a long letter, pointing out the chief objects in advocating my cause; but remain so weak with confinement and sickness, that it costs me no small effort to write even this. At any rate, it may be better for you to question me, as to any point not

Your Petitioner was advised by learned Counsel to file a bill in Chancery, for specific performance of an agreement for a lease signed

clearly comprehended. I can stand the severest scrutiny, challenge all question, and shall be most proud of opportunity to substantiate every assertion. Were the petition presented and ordered to be printed this day, a motion would, some day after, be better listened to, when Members had each had leisure of perusing it at home.

I have the honour to be, Sir,

Your obedient servant,

J. Stuart Wortley, Esq.

ROBERT GOURLAY.

Sir,

I have presented your petition to the House, and have moved that it may be printed.

For fear of any mistake upon your part, I must beg leave to say, that I have no intention whatever of making a motion founded upon your petition.

I am, Sir,

Your very humble servant,

Robert Gourlay, Esq.

J. STUART WORTLEY.

House of Correction, 7th May, 1825.

Sir,

I thank you for presenting my petition, and getting it printed. You would further oblige me, by causing a printed copy to be sent me from the Vote-office. However much I should have been gratified with your moving on the subject, I had no claim upon you for doing so; and, having now done my utmost, shall trust the rest to God—declaring that nothing shall induce me to compromise what appears a point of honour—that I should rather perish in the house of bondage, than go hence on terms which would countenance hypocrisy and falsehood: or leave the statute of 39 and 40 of George III. chap. 94, without a witness against its dangerous tendency, and, in my case, glaringly wrong application.

I have the honour to be, yours, &c.

J. Stuart Wortley, Esq.

ROBERT GOURLAY.

Mr. Gourlay presents respectful compliments to the Lord President of the Court of Session. Mr. G. being placed in cruel circumstances, put under cover to the Lord President a petition to the Right Honourable the Lords of Council and Session, the 9th instant, and had the same despatched that day by post.—He had been served with a printed petition of Thomas Henderson, on the 20th ultimo; which, from its odious nature, he hoped might be withdrawn without formal opposition. He cannot suppose the Court will proceed to give any directions, hurriedly, upon mere allegations; and his sole object, at present is, to request that the Lord President will cause an acknowledgement to be sent him of the receipt of the petition, together with an intimation whether it is necessary for him to appoint an agent in place of Mr. Clark, who has declared himself agent solely for Mr. Henderson.

*House of Correction, Cold-bath-fields,
London, May 17th, 1825.*

Edinburgh, May 20th, 1825.

The Lord President acknowledges the receipt of Mr. Gourlay's letter of the 17th—also of his former one, enclosing a petition to the Court of Session.

But, as it was impossible for his Lordship to present to the Court a petition, coming to him, in that irregular and private manner, his Lordship, as he does in all such

by parties in 1809; which bill he did file in 1812. In 1813 he obtained an order for a lease, the terms of which were wrongfully referred to the Master, seeing that the original agreement expressly named a referee. The agreement was so clear, and the required terms so simple, that any two intelligent farmers could have settled the whole business in half a day, yet to this hour no lease is obtained, though for that purpose able lawyers have been employed, much money expended, and infinite vexation incurred.

Your Petitioner obtained also, in 1813, an order for two issue trials, in both of which he succeeded; recovering by one £100 damages, and by the other, £1325, expended on buildings, besides £385 of costs and interest. Both verdicts were returned prior to August, 1816; but the short order for payment was not granted till the end of that year; and the long order was so long delayed, that, in the mean time, and solely because of this delay, your Petitioner's credit was broken down for want of the money due, which credit he has not yet been able to re-establish. In fact, delays of Chancery obliged your Petitioner to look abroad for an asylum to his family.—When abroad, his wife was frightened out of possession of the farm, contended for by a cruel and unnecessary distraint: the occupation, then worth £3000, was given away for nothing: the stock was valued over at half its worth; and that half put into bond for security of the sub-tenant, while your Petitioner was left without a penny in the world, save what he could raise by the sale of his household furniture, to meet an appeal from the judgement of the Master of the Rolls to the Chancellor. This appeal was settled in your Petitioner's favour, in January, 1824: but the Lord Chancellor denied him costs of suit during six years of opposition to this most vexatious appeal, merely because he pleaded his own cause, and used words misunderstood by his Lordship, though the Master of the Rolls had previously declared from the bench, when giving judgement in this cause, that "*the Court of Chancery did not take cognizance of language.*"

That the misfortunes brought upon your Petitioner and his family, by Chancery delays, would require volumes to describe, but may be sufficiently conceived by this fact, that an abode in prison has become

cases, returned the letter and petition to the post-office, in order to recover back the postage.

If Mr. Gourlay has any petition to present to the Court, it must be given in to the Clerks of Court, and put into the Lords' boxes, according to established form. And Mr. Gourlay should appoint an agent to conduct his concern in a formal manner.

Mr. Gourlay has this day received the Lord President's note of 20th instant; and loses no time in thanking His Lordship for the condescension.

Mr. G. left the postage of the packet containing the petition unpaid, that it might more surely be delivered. He wrote in the last extremity, hoping that the odious printed petition might be withdrawn; and as a proof that the insinuations of that petition, as to insanity, were groundless.—He will immediately write to a professional agent to look after business before the Court:—trusts that no undue advantage will be allowed; and prays to God that the provision for his children may not be wasted with unnecessary litigation.

*House of Correction, Cold-bath-fields,
London, May 23d, 1825.*

beneficial to him, inasmuch as its retirement, quiet, and security, afford the only remaining chance of retrieving his affairs, while he is palsied with poverty and driven to the wall by persecution.

That, from the suit in question, many other causes of suit have arisen, which, were Chancery practice reformed, your Petitioner could institute, with hope of yet saving from the wreck of his fortune, a competency for living. More than twelve months ago, he had comfort in thinking, that a commission being appointed to inquire into Chancery delays, he might soon be able to proceed; but this comfort is vanishing, and he has become hopeless, while execution rests with judges on the bench. Your Petitioner does not wish to reflect personally on the conduct of present commissioners, seeing that no age has produced men of greater integrity in their profession; more profound in law learning; better skilled in practice; and higher gifted every way than Lords Eldon and Gifford. He is convinced that lawyers cannot see with unjaundiced eyes: he knows from divine authority, that they lay heavy burdens on other men's shoulders; and he believes it cannot possibly be otherwise from the nature of things. It appears to your Petitioner, that commissioners for inquiring into Chancery delays, and reforming law practice, should be appointed from among men of common sense;—not cumbered with many things: not harassed with other business; nor weighed down with care: unvitiated with bad habits, and unprejudiced; but above all, unbiassed with self-interest. Your Petitioner has kept a most accurate record of his own experience in Chancery, from the year 1812, till the present time. In 1816, he had every material document in his cause printed, to the extent of 260 pages; he has since paid for shorthand writers' reports of trials, pleadings, and judgements, nearly £100; and were the whole now published with remarks, he believes that much light would be thrown on the causes of Chancery delays, and the proceedings in general of that court. Were he enabled to publish this, he would willingly give his time and materials for nothing; and in the course of a month, with requisite assistance could complete the work.

He therefore entreats that a new commission be forthwith appointed for inquiry into Chancery delays; and as to the best means of ensuring the ends of justice and equity. He entreats that your Honourable House will furnish him with means of publishing his Chancery experience: also, that this petition, with those presented for him the 22d and 30th of March, 1825, be printed together for immediate and ready perusal,

And he will ever pray,

ROBERT GOURLAY.*

* The above petition was presented by Mr. John Williams, and ordered to be printed, May 31, 1825. There was a correspondence on the subject, before and after, as follows:—

*House of Correction, Cold-bath-fields,
22d February, 1825.*

Sir,

You may remember that twelve months ago I corresponded with you as to my experience of Chancery delays; put into your hand the scroll of a petition; had

(A. 26.)

*To the Right Honourable the Lords Spiritual and Temporal
of the United Kingdom of Great Britain and Ireland, in
Parliament assembled.*

THE HUMBLE PETITION OF ROBERT GOURLAY*

Showeth,

That your Petitioner had presented to the House of Commons on the 3d day of May, 1825, a Petition, which was received, ordered

* Presented by the Lord Chancellor, 13th June, 1825, having been sent to His Lordship, with the following letter:—

*House of Correction, Cold-bath-fields,
June 11, 1825.*

My Lord,

You presented for me to the House of Lords one Petition: another you refused to present, probably from misconceiving the spirit in which it was written; and I shall only add, that, had you been my father, I should have acted as I did.

I accompany this with a Petition regarding Canada, which I wish your Lordship to peruse and present. It might be of vast consequence to the nation were I heard and examined immediately on the subject of Canadian affairs. If your Lordship can think seriously of this, I shall explain; otherwise need not give further trouble.

Your Lordship's obedient servant,

The Right Hon. The Earl of Eldon.

ROBERT GOURLAY.

an appointment to meet, but going to the country missed this. I am glad to observe, from newspapers, that you still keep inquiry in view; and have to say, that if my case can, in any way, assist, you may call upon me to explain and uphold it as one of the most flagrant description. In tendering this as a mere remembrancer, it remains for me only to subscribe,

*John Williams, Esq. M. P.
House of Commons.*

Your obedient servant,

ROBERT GOURLAY.

Sir,

The enclosed (the above) has been returned to me to day. I acknowledge it was wrong not to pay the postage: but I do so sometimes, to secure delivery.

Yours, &c.

John Williams, Esq.

ROBERT GOURLAY.

House of Correction, February 26th, 1825.

Sir,

Your letter was returned in consequence of general directions given by me—of course without my knowledge of from whom it came, or that such a letter had come by the post at all.

Received March 8, 1825.

to be printed, and from which the following is an extract, (see A. 23, the whole of which was here taken in) :

I am on the circuit, and have been for some time ; but if I my motion,
and can make your case available, I shall not forget your communication.

I am,

Your obedient servant,
J. WILLIAMS.

*House of Correction, Cold-bath-fields,
April 14th, 1825.*

Sir,

Your letter written on the circuit reached me in course ; and I have since had two petitions presented to the House of Commons, relating to the Court of Chancery, and laid on the table March 22d and 30th, which I should be glad if you would peruse.

I now trouble you with a petition on another, but also very important, subject ; and should be obliged by your offering it to the House, merely that it may be printed for information to committees on prison discipline.

I have the honour to be

John Williams, Esq.

Your obedient servant,
ROBERT GOURLAY.

House of Correction, April 19th, 1825.

Mr. Gourlay presents compliments to Mr. Williams, desired a friend to wait on Mr. W., which he did last Saturday, with a letter dated 14th Instant and petition.—Has this day been informed that Mr. Williams was not then at home ; but had arrived yesterday from the country. Mr. G. would now be gratified with two lines from Mr. W.—saying if he has read the petition, if he will present it, or if any part requires alteration.

*House of Correction, Cold-bath-fields,
April 26th, 1825.*

Sir,

I am glad to observe, from newspapers of this day, that you have presented my petition (A 21) : but the report does not say whether it was ordered to be printed, which was the chief object of its prayer. If not, perhaps you could yet move for the printing ; and when printed, it would be extremely obliging if you would cause a copy to be forwarded to me : when free, I used to have such, by personal application, at the Vote-office in the lobby. I thank you for noticing that there was no intention to asperse the conduct of the magistrates or governor. I amuse myself here by making experiments in living ; and those detailed in the letters thrust into the petition are, I conceive, valuable and well worthy of record, for the consideration of committees on prison discipline, &c.

I am your obedient servant,

John Williams, Esq.

ROBERT GOURLAY.

House of Correction, May 16th, 1825.

Sir,

I have to thank you for presenting my petition on the subject of prison bread and sending me a printed copy.

Seeing it reported in newspapers, that Sir John Newport had given notice of your intention to present a petition complaining of delays in Chancery on the 19th Instant, may I ask if you would, on the same day, present one from me relating to this, provided it was unobjectionable ? I meant to have offered you this soon independent of the motion, and have the petition in scroll. Two lines in course of post, replying to this, will oblige, Sir,

Your obedient servant,

John Williams, Esq.

ROBERT GOURLAY.

That while the above prayer of your Petitioner was disregarded, the Canada Bill was passed: also, a Bill of the same kind relating to lands in Van Dieman's Land.

Lincoln's Inn.

Sir,

I can have no objection to present a petition to the House respecting the Court of Chancery, if I think it would serve the cause; but otherwise, in the exercise of my discretion, I may decline it. If you state the length of time and the money spent, without attacking any body or the Court, it would be most likely to meet my idea. Observe, I do not undertake absolutely.

Yours, &c.

J. WILLIAMS.

Mr. Gourlay.

House of Correction, May 18th, 1825.

Sir,

I have this morning received your letter, saying that you will have no objection to present my petition if it will serve the cause, and lose no time in sending it to you for perusal.—If you agree to present it to-morrow, favour me with two lines, that I may have time to send copies to newspapers.

Perhaps I cannot give you stronger assurance of the dreadful consequence of Chancery delays, beyond the limits of my petition, than to ask you to glance at the accompanying printed petition (Henderson's, A 24.), by which you will observe, that an attempt is making to rob me of the management of my children. If you refuse to present my petition, return this printed petition along with it: otherwise, you may keep it some days in your possession, show it to any one, or speak of it in the House of Commons.

Your obedient servant,

ROBERT GOURLAY.

John Williams, Esq.

P. S. I need scarcely add that I shall, with pleasure, listen to any remark of yours, or afford further information if required.

House of Correction, May 19th, 1825.

Mr. Gourlay presents compliments to Mr. Williams, has observed from a newspaper, since despatching his petition to Mr. W., that Mr. Williams has postponed presenting that for which the notice was given till a future day. If Mr. W. has no objection, Mr. G. would still be glad to have his presented this day or to-morrow, so as to be printed and referred to afterwards, as it may serve the cause.

House of Correction, May 20th, 1825.

Sir,

I wrote you hastily yesterday on seeing your postponement reported in a newspaper; and as you have not yet, I presume, presented my petition, shall now say what made me desirous to have it immediately presented and printed. In the same newspaper, the Bishop of Chester was reported to have taken a very unwarrantable liberty with my name in his speech to the Lords; and it would be well to have contrasted, as speedily as possible, the words of that speech with those of my petition regarding the Lord Chancellor, written and despatched to you before the Bishop of Chester uttered his injurious, and I shall say, insidious *joke*. I am ignorant as to your bearings towards the church: but, nevertheless, do not hesitate to inform you, that ever since 1815, when I made a tilt at an Archdeacon on the subject of church property, the odium *theologicum* has been felt by me incessantly and every where—at home and abroad.

To day, if you can, I should be glad if you could present the petition, and say what you choose on the occasion.

I am, &c.

ROBERT GOURLAY.

John Williams, Esq.

That your Petitioner is more and more convinced that the subject of these Bills has not been sufficiently considered ; and now entreats

House of Correction.

Mr. Gourlay presents compliments to Mr. Williams. It has occurred, that, during the present recess, Mr. Williams might have leisure to glance at the printed papers of Mr. G.'s Chancery suit spoken of in his petition ; and should Mr. W. desire it, Mr. G. would furnish him with a copy.

Mr. Gourlay would be glad to know if Mr. Williams has fixed a day for presenting the petition first noticed by Sir John Newport and postponed.

House of Correction, June 7th, 1825.

Sir,

I have delayed till this day to thank you for presenting my petition relating to Chancery, that I might, at the same time, beg a copy of it, and others on the same subject ; now that I suppose they must be printed, will you then accept my thanks and order these to be sent me.

A friend of mine tells me he waited on you with a letter, signed by him and some other gentlemen, contradicting what the Solicitor-General was reported, in newspapers, to have said of me in the House of Commons when opposing you in the Chancery-question. It was friendly on their part ; but had I been consulted, I should have objected to the proceeding. He brought me back the printed petition which I sent you, and gave me to understand that you complained of my freedom in writing too many letters. Be assured, Sir, it is not my wish to trouble any one. I had in contemplation to draw up a petition on the subject of pleading *in forma pauperis* to put into your hands. I have property in various quarters, but find no means of coming at it by the existing law and practice. If you would deem it too much trouble to engage with this, say so ; and I shall not for a moment longer entertain my design.

Your obedient servant,

John Williams, Esq.

ROBERT GOURLAY.

Lincoln's Inn.

Sir,

If, when you have an opportunity of sending, any body will call here, the petitions shall be ready for you. With respect to the petition you have in contemplation, I do not know precisely what you intend by it. I can only say, that if I can be (with any reasonable trouble) of service, I will not decline doing what I can. I did not complain of your "taking a liberty," nor ever thought of such a thing : but I did, and do say that you should consider my numerous engagements, and not give me trouble unnecessarily.

I am, Sir,

Your obedient servant,

Mr. R. Gourlay.

JOHN WILLIAMS.

House of Correction, June 10th, 1825.

Sir,

The bearer of this will fetch the printed petitions you are so good as offer me, but if by accident disappointed, shall be glad to have them per twopenny post ; as I have seldom opportunity by a special messenger.

In August, 1823, I had occasion to copy out of the Statutes at large, the Act 11 Henry VII. Cap. 12, to speed poor labourers in their suits ; and then remarked, " that the words "by discretion of the Chancellor" made it mere matter of favour whether a poor person could proceed. A year afterwards I corresponded on the subject with the Chancellor and his secretaries, seriously intending to sue *in forma pauperis*. I then found that the thing rested not with the discretion of the Chancellor only, but with that of other judges, barristers, and attorneys ; in short, that there was no absolute right and protection for the poor. At this hour I am puzzled and restrained from

to be heard at the Bar, or before a Committee of your Lordship's House, upon the subject before these Bills are passed by your Lordships.

And he will ever pray,
ROBERT GOURLAY.

(A. 27.)

To the Honourable the Commons, &c.

THE PETITION OF ROBERT GOURLAY*

Humbly sheweth,

That your Petitioner has perused a Bill now in progress before your Honourable House, entitled "*a Bill to prevent, in certain cases, the Payment of Wages out of the Poor's Rate, and to render the laws made for relief of the poor more effectual.*"

That however desirable it may be that such objects should be attained, your Petitioner is assured that this Bill would not only prove ineffectual, but add to the miserable confusion which has been long growing out of the greatly too voluminous code of the poor laws.

That your Petitioner's knowledge and experience on this subject, stands recorded in a series of Petitions, many of which have been printed by your Honourable House during the last four years.

That his treatment as a pauper, in the parish of Wily, may be read under date 27th June, 1823; and he has now to contrast with this, his treatment in the House of Correction, Cold Bath Fields, where he has been a prisoner for upwards of eleven months.—As a pauper, though able and willing to work, he was allowed to earn only three shillings a week, and could not, out of his pay, do more than keep himself in existence.—As a prisoner, and on felon's allowance, he can have not only better lodging and clothes than the generality of labourers in Wiltshire, but does now actually save out of his portion of food, fourpence a day. Your Petitioner states and contrasts these facts, as the strongest proof of the dreadful evil of the poor-law system. He does not wish it supposed that the felon's allowance is too good, or abundant; on the contrary, he is assured, that, to those who are kept to hard labour, it is barely sufficient. But he wishes strongly to engage attention to consequences; and to make this record while it is yet remembered, that in the King's speech, at the opening of the present Session of

proceeding by difficulties which should be removed by act of parliament. In the course of six or eight days, I shall embody the facts, in shape of a Petition, for submission to you, and mean time you may, at leisure, think of the subject.

John Williams, Esq.

Your obedient servant,
ROBERT GOURLAY.

* Presented June 16, 1825, by Mr. Stuart Wortley, and ordered to be printed.

Parliament, it was asserted, that "*there never was a period in the history of this country, when all the great interests of the nation were at the same time in so thriving a condition.*" Your Petitioner asserts, and challenges contradiction, that, in the agricultural districts of England, the condition of the labouring poor was at the lowest ebb, at the very time when the above words were first published, and that during the whole of the last winter, there were, in the United Kingdom, two millions of people worse provided for than the felons of the House of Correction, Cold-bath-fields.

Your Petitioner's opinion, after more than twenty years of reflection on the subject of poor-laws and poor-rates, was made up two years ago, as to the means of doing these away. In March, 1823, he submitted to the consideration of the Secretary of State for the Home Department, a scroll Petition, then proposed to be presented to the House of Commons, from which the following is an extract :

"That your Petitioner is now convinced, that your Honourable House cannot, by any Bill drawn up in the ordinary way, either with the mere knowledge of individuals, or that strengthened in a Parliamentary Committee, proceed to any effectual and safe legislation for the reform of the poor-law system: that that system has, in the lapse of time, become complicated in the extreme; that the establishment of error, the growth of bad habits, the inveteracy of customs and prejudices, the sloth and selfishness of the rich, the weakness and ignorance of the poor, have all contributed towards the evil, and do now render its cure difficult and hazardous; do now render it of primary importance, that no step be taken for change without full information, intense study, open, free, able, and finished discussion. Your Petitioner is convinced, that no effectual reform of the poor-law system can take place without restoring to the poor a portion of land in lieu of what has been taken from them by the enclosure of commons, and the impoverishing operation of the system itself: he is convinced that such restoration can be made without cost on the part of Government, and in a way which would at once give a stimulus to industry, increase the comfort of the poor, and diffuse among them a spirit of cheerfulness and contentment beyond all price: he is convinced, that with this restoration; which would not require a hundredth part of the national territory, were pauper schools and savings banks established at the same time UNDER PROPER REGULATIONS, poor-rates might, in ten years, be reduced from seven to two millions, and in twenty years be entirely dispensed with. Your Petitioner is convinced, that, to lay a safe ground-work for legislation on this most delicate and dangerous, yet most urgent business, requiring much minute regulation, it would be necessary to have a Commission or Board appointed and invested with sufficient powers for inquiry and preparation:—That a Board, consisting of a competent number of active, intelligent, zealous, and upright men, devoting to this business their whole time and undivided attention, might, in the course of a few months, by collecting and arranging facts, establishing principles, and clearly exposing every point, draw up a specific plan of reform, which might be adopted safely and successfully by the legislature

"before the termination of the present Session, or at farthest in the course of a year.

"That your Petitioner could show in the clearest manner, that while the poor-law system most urgently requires correction, there are circumstances which would render such correction peculiarly advantageous and of easy accomplishment at the *present time*."

That a year after submitting the above to the Secretary of State, your Petitioner offered to communicate to him a specific plan for the reform of poor-laws; and after the lapse of another year, remains steady to his opinions and willing to communicate as soon as fair opportunity is afforded.

He now therefore entreats that the Bill before your Honourable House may be laid aside—That a Board may be appointed for the reform of the poor-law system—That his printed Petitions on this subject may be brought up for consideration, and himself called to the bar of your Honourable House, or before any Committee, Commission, or Board, to substantiate what he has said on this most vital and important question: he further entreats that this Petition may be printed.

And he will ever pray,
ROBERT GOURLAY.

CORRESPONDENCE RELATING TO THE ABOVE.

Mr. Gourlay presents compliments to Mr. Monck. Seeing that Mr. M.'s Bill relating to labourers' wages is ordered to be committed, takes the liberty of asking for a copy of the Bill, on which he may have to make some observations.

House of Correction, Cold-bath-fields,

June 3d, 1825.

House of Correction, June 6th, 1825.

Sir,

Being particularly desirous of seeing your Bill relating to labourers' wages, I despatched a note to the House of Commons requesting the favour of a copy: but suspecting that my note may not have reached you, shall cause this to be delivered at your house. Could you grant the favour immediately, the bearer will fetch the Bill, or I shall be happy to receive it by the two-penny post. The question you have started is a most important one and should command almost attention. Its public nature will find excuse, I hope, for this liberty.

I am, &c.

J. B. Monck, Esq. M. P.

ROBERT GOURLAY.

*House of Correction, Cold-bath-fields,
June 9th, 1825.*

Sir,

Your Bill, which reached me yesterday, had instant and serious consideration. The practice of paying the wages of labourers out of poor-rates is every way injurious. Your aim is highly commendable. It cannot, however, be made good by mere legal enactment, and I have written out a Petition in opposition to the Bill. At first I thought of asking you to present this, but considering that a father might not like to strangle his own child, sent it to the care of Mr. Stuart Wortley. I shall herewith send you a copy; and if a committee sits on the subject, shall be happy to be called and questioned on every branch of the poor-law system. Thanking you for attention in sending the Bill, I am, Sir,

Your obedient servant,

John B. Monck, Esq. M. P.

ROBERT GOURLAY.

Mr. Monck withdrew his Bill the 14th June, but gave notice that he would bring forward another Bill, on the same subject, early in the next session of parliament.

(A. 28.)

To the Honourable the Commons, &c.

THE PETITION OF ROBERT GOURLAY

Humbly sheweth,

That the improvement of the metropolis is a national concern, and a becoming study for any individual.

*House of Correction, Cold-bath-fields,
June 9th, 1825.*

Sir,

When I applied to you to present for me a Petition to parliament, praying to be heard as to the lamentable predicament in which I am placed, I did so after taking the best advice, and being assured that you were the most likely person to advocate my cause sincerely and firmly. Although you did nothing more than present that Petition, I have yet heard of no member from whom I could expect better support; and it is truly grievous that I must rest here without the prospect of a fair hearing; while the act, too, under colour of which I have been committed, should call forth no attention. There is, I believe, some strange misunderstanding on the subject, and a most inveterate prejudice against me. That I entertain none towards you, and, as a proof of confidence in your honour, I now ask you to present the Petition which accompanies this, and move for its being printed. I have long had it in contemplation to draw up such a Petition—the last on the subject of the poor-laws which I mean to offer. I only waited for an opportunity now afforded by Mr. Monck's Bill.

I have not a doubt but you will excuse this liberty, and if you can procure me a hearing on the subject of poor-laws, to which I have devoted more attention than any other individual, I shall be especially thankful.

John Stuart Wortley, Esq. M. P.

Your obedient servant,

ROBERT GOURLAY.

Mr. Gourlay presents compliments to Mr. Stuart Wortley.—Mr. G. despatched to Mr. S. W. two days ago, a letter begging to have an accompanying Petition presented to the House of Commons, without thinking that Mr. S. W. might be out of town or desiring to be informed if and when he would present the Petition.

Being anxious on these points, now requests the favour of two lines per the bearer, or, if more convenient, by the two-penny post.

*House of Correction, Cold-bath-fields,
June 11th, 1825.*

House of Commons, June 16th, 1825.

Sir,

Upon my return from Paris, I found your letter of the 9th June, enclosing a Petition to the House of Commons, upon the subject of Mr. Monck's Bill for the payment of labourers' wages.

Although that Bill has been now withdrawn, I have, as the Petition contains matter of a general nature, presented it to the House, and moved that it shall be printed.

I am, Sir,

Your very humble servant,

Robert Gourlay, Esq.

J. STUART WORTLEY.

*House of Correction, Cold-bath-fields,
June 19th, 1825.*

Sir,

I am glad you have presented my Petition, and you will favour me still more by ordering a copy to be sent me when printed.

I cannot suppose the session will pass away without further attention to the most important of all questions—that of the poor-laws. My expectation was, that Lord John Russell, who had the committee of last year appointed, would again move. The in-

That your Petitioner having been detained in London the greater part of four years, watching law-appeals, and supplicating Government respecting his mal-treatment in Upper Canada, often beguiled time surveying the city and its environs, with an eye to improvement—the removal of many poor inhabitants, and some public institutions, which would be better located in the country—the cleansing, lighting, and beautifying many parts—the widening of streets—throwing open public buildings to view, and securing a sufficiency of pleasure-grounds, walks, and rides in the neighbourhood.

That after this, being lodged in the House of Correction, Cold-bath-fields, he was struck with the vast advantage which might accrue from making a grand entrance to the city from the north-west, between Battle-bridge and the House of Correction, thence to Hicks's Hall, and onward to Fleet-market; conducting a canal and rail-way along this line from the Regent's Canal to the Thames, the same being tunnelled beneath Fleet-market and Bridge-street, erecting a bridge across this line from Holborn to Smithfield, and forming, adjoining thereto, a grand central mart for butcher's meat, fish, vegetables, and slaughter-houses and depôt for various articles of most common and daily use.

That your Petitioner, after much reflection on this subject, announced his scheme in newspapers, drew plans for illustration, dedicated these to the Lord Mayor and Aldermen, and put them into His Lordship's hand, to be laid before the court.

That the Lord Mayor, instead of complying with the request of your Petitioner, destroyed his plans, and for excuse said, he "*did not think the suggestion at all practicable.*"

That your Petitioner having now studied the matter for a whole year, is more and more convinced, not only of its practicability, but vast importance. One half of the ground to be worked upon is now unoccupied with buildings, and the other half covered with such as are so mean and loathsome, that at any rate they ought to be pulled down. The execution would double the ground-rents, and afford at least ten per cent. per annum for money expended. It would free the city from great annoyances in the conveyance to and from market of live and dead stock. It would contribute greatly to cleanliness and health. It would afford much comfort and convenience. It

quiry and report of that committee was very limited but interesting, and I understand that answers to interrogatories from various parts of the kingdom have since been obtained and published by government. Were it not too much trouble, it would greatly oblige me if you could furnish me with a copy of these, which cannot be purchased, as I would wish to prepare to appear well before a committee, if called upon. It is the opinion of some, that mere prosperity of trade may work deliverance from the evil of the poor-laws; but this will prove fallacious if left to itself: though consequences might be happy, were this conjoined with sound legislative measures, and correct regulations firmly executed. I have the honour to be, Sir,

Your obedient servant,

ROBERT GOURLAY.

John Stuart Wortley, Esq.

P. S. I shall use the freedom to accompany this with the Petition formerly shown you (Henderson's), but of which I had not then a spare copy, as a remembrance of the sad consequence from a forced application of the statute 39 and 40 George III. cap. 94.

would admit of a high degree of ornament, and altogether would surpass whatever has been done or proposed for rendering London worthy of the empire. Your Petitioner confidently makes these assertions, in opposition to the opinion of the late Lord Mayor, and being now confined on pretence of insanity, is willing to stake every chance of regaining liberty and reputation on the issue of fair investigation; willing to submit to the decision of three reputable surveyors and architects, who may examine and report in a couple of days.

Your Petitioner is extremely sorry, that being unable to procure a capital map of London like to that destroyed by the Lord Mayor, on which his first plan was drawn, he cannot sufficiently illustrate his scheme; but annexes hereto a sketch as perfect as this sheet of vellum, and his present means otherwise will admit. To the slaughter-houses he would call especial notice, as at once novel in construction and singularly commodious: and with sufficient opportunity of completing the whole for exhibition, will challenge the world to produce any thing of the kind equally useful and ornamental.

Your Petitioner having lately heard that application is to be made to Parliament for liberty to execute improvements on part of the same ground of an inferior kind, and by no means commensurate with the grandeur of the British capital, hastens to lay these statements before your Honourable House. His opinion is, that no partial plan whatever for the improvement of London should be adopted. He thinks that the whole city and environs should be surveyed, a general scheme of improvement maturely digested, and the execution committed to a public board, which might extend its views forward through many years, overlook difficulties, and be superior to every little and selfish consideration.

Your Petitioner, therefore, entreats that these premises may be seriously entertained; that three reputable surveyors and architects be forthwith ordered to examine into the truth of his assertions, so as to report to your Honourable House before the close of the present session; also that this Petition may be printed, and the annexations engraved for more ready perusal and inspection.

And he will ever pray,

ROBERT GOURLAY.

CORRESPONDENCE AS TO THE ABOVE, NOT YET PRESENTED.

House of Correction, Cold-bath-fields,
June 29, 1825.

Dear Sir,

You have probably never laid to heart, that were the law acted upon generally, as it has been with me, no *Fife laird* would be safe for a moment. To be considered *daft* would put him in the power of enemies: in short, if the *tows* were bad, this would be horrible.

That disastrous consequences may not go beyond myself, and that even I may be rescued, I submit to you the accompanying scroll of a Petition, which I wish to be presented to-morrow; and which, if listened to, will afford immediate and tangible proof as to my sanity, and whether the 39th and 40th George III. cap. 94, should be repealed or amended, for the sake of the *folks of Fife*.

Have the goodness to peruse the scroll, and return it to me to-night or to-morrow

(A. 29.)

*To the Right Honourable the Lords, Spiritual and Temporal,
of the United Kingdom of Great Britain and Ireland,
in Parliament assembled*

THE HUMBLE PETITION OF ROBERT GOURLAY

Showeth,

That a Petition was drawn up to be presented to the House of Commons last session, from which the following are extracts :

morning, saying whether you will present it. I shall then, without delay, send you a fair copy, and attend to any alteration you may suggest.

I am,

Yours, &c.

ROBERT GOURLAY.

Lt.-Gen. Sir R. Ferguson.

Bolton-row, June 30; 1825.

Dear Sir,

I was out of town yesterday, and did not return to the House of Commons till 12 o'clock. I found your letter on my table when I came home.

I can assure you that no one is more anxious than myself that you should be liberated from your present situation, and you may rest assured, no services of mine shall be wanting to obtain this object.

I do not see that presenting the Petition, a copy of which you have sent to me, would be of any use, especially as the House of Commons adjourns this day. I should therefore advise you not to think of it at present. In great haste,

I am, dear Sir,

Yours, &c.

R. C. FERGUSON.

Mr. R. Gourlay.

Six o'clock, June 30, 1825.

Dear Sir,

I have this moment received your letter; but had previously sent my Petition to Mr. Hume, conceiving you were out of town. I hope he will present it this evening, and if you are in the House shall thank you to present that which accompanies this, just arrived from the country. (Petition in my favour from the parish of Langford, Wilts, presented by Sir R. Ferguson a few days afterwards.) Being short I hope it may be printed. Both Petitions will serve me: but I am not anxious to be liberated without inquiry into my case.

I am, &c.

ROBERT GOURLAY.

Sir R. Ferguson.

Mr. Gourlay presents compliments to Mr. Hume—wrote to Sir R. Ferguson, asking him to present the accompanying Petition; but, disappointed of a reply, is afraid Sir Ronald has left town; and knowing that Mr. Hume is always at his post, now begs him to present the Petition this evening.

*House of Correction, Cold-bath-fields,
June 30, 1825.*

Mr. Gourlay begs of Mr. Hume to present the accompanying Petition, which has arrived from the country, (a Petition in my favour from the parishes of Stapleford,

"That, justice should cost nothing, and would not under perfectly good government.

Wishford, and Newton, in Wiltshire, presented by Mr. Hume, some days after this,) since Mr. G. despatched a packet to Mr. Hume this morning.

*House of Correction, Cold-bath-fields,
30th June.*

Mr. G. would be glad if the Petition was printed.

Bryanstone-square, June 30, 1825.

Sir,

On my return home this evening from the House of Commons, I received your letter, containing a Petition, which you request me to present to the House of Commons, but which it will not be in my power to do, as it is my intention, if possible, to leave town to-morrow.

I do not think that the subject of your Petition can at the present time be taken into consideration, and I am doubtful whether it is proper to be presented to the House of Commons.

I should suppose that the Common Council would be a better means of having your plan fairly considered.

I am your obedient servant,

Mr. Robert Gourlay.

JOSEPH HUME.

6, Bryanstone Square, July 2, 1825.

Mr. Hume regrets that the Petition sent by Mr. Gourlay yesterday was not received till after he had left the House of Commons. Mr. H. will, however, take an opportunity of presenting it on Tuesday next.

Mr. Gourlay begs that the Earl of Eldon will have the goodness to peruse and present the accompanying Petition to the House of Lords.

*House of Correction, Cold-bath-fields,
July 1st, 1825.*

Sir,

I am desired by the Lord Chancellor to return the inclosed Petition, his Lordship considering it not to be proper for him to present it to the House.

I am, Sir,

Your most obedient servant,

J. PENSAM.

Sergeant's Inn, July 4, 1825.

*House of Correction, Cold-bath-fields,
July 2d, 1825.*

Sir,

I sent the accompanying Petition to Mr. Hume two days ago, to be presented to the House of Commons; but have now received it back, with a letter, saying that it will not be in his power to do this, being about to leave town, and expressing a doubt whether it is proper to be presented. Upon review, I cannot see any thing improper in it; and as the subject is really one of national concern, should still be glad if the Petition was put on record. My intention is, with greater leisure, to draw out a more perfect sketch for submission to the present Lord Mayor; also one for the Magistrates of Middlesex. Were you in this house, I could point out how very natural and easy it would be to form the north-west approach to the city, and otherwise so explain as would, I flatter myself, make you think well of my plan altogether.

Could you offer the Petition to the House on Tuesday, it would add to my obligations.

I am, Sir,

Yours, &c.

ROBERT GOURLAY

J. Stuart Wortley, Esq.

"That, as it now stands, even a successful litigant has to pay dear for justice:—That, in many cases, it is better to relinquish right than sue for it at law. That, in some cases, before the Court of Chancery, while the cause is gained, the thing contended for is lost; and, in your Petitioner's case, even still worse consequences have ensued. Though successful at every step, he has, by delays of Chancery, not only been deprived of all property, but is now bound down to the performance of distant obligations by the very agreement to obtain specific performance of which he went into Court, while that agreement is not yet made good in equity: though thirteen years have passed away since the Bill for specific performance was filed: though an order has been obtained for the same: though he reaps not the smallest profit from a beneficial lease; and though he and his friends are out of pocket, at least, ten thousand pounds by the concern.

"That, seventeen months ago, finding himself exhausted with Chancery delays, in extreme jeopardy, and property withheld from him unjustly in various quarters, he was desirous of pleading *in forma pauperis*, but found a bar to this in the payment of stamp duties. That, he waited till October last, when the act requiring this expired, but then discovered that he was not only dependent on '*the discretion of the Chancellor*,' according to the words of the statute 11 Henry VII. cap 12, but, by usage, on the discretion of other Judges, Barristers, and Attorneys. In short, that there was no absolute security for a person wishing to sue either at law or in equity, when deprived of property. Nay, more,

*House of Correction, Cold-bath-fields,
July 8th, 1825.*

Mr. Gourlay wrote to Mr. Stuart Wortley, 2d instant, along with a Petition respecting improvements on London; but hearing nothing as to this, supposes Mr. S. W. has gone to the country, and now begs two lines saying if the packet was received. Mr. G. mentioned that Mr. Hume had doubted whether the Petition was proper to be presented; and after this, received a letter from the Lord Chancellor's secretary, saying that his Lordship thought it was not.

Mr. Gourlay is yet unaware in what the impropriety consists, and would wish, by another session, still to offer a Petition to Parliament on the same subject, which he would amend if required, annexing, at same time, better drawn plans.

Mr. Gourlay presents compliments to Mr. Stuart Wortley; wrote to him 2d instant, with a Petition handed in at his house in Curzon-street, and, on the 8th, despatched a note of inquiry on the subject to Yorkshire. In neither case having reply, Mr. G. suspects some accident or mistake, and would be glad of a couple of lines in explanation.

*House of Correction, Cold-bath-fields,
July 17th, 1825.*

Curzon-street, July 16th, 1825.

Sir,

I beg to return to you your Petition and plan for the north-west entrance into London.

I am, Sir,

Your very humble servant,

Mr. Robert Gourlay.

J. STUART WORTLEY.

" your Petitioner is now in prison, and cannot obtain a writ of *habeas corpus* to go before a judge for advice, without payment of thirty shillings, which he cannot at present afford.

" That your Petitioner has long and seriously reflected on this subject. He has looked back to the first statute of labourers, enacted by Edward III., and that which amended the same: statutes which record the most hypocritical, barefaced, and flagitious conspiracy of the rich against the poor. He has read the history of man through past ages, and studied his ways up to the present hour in great variety of personal experience; all of which has exhibited misery as the result of selfishness, and selfishness as the growth of ignorance.

" Your Petitioner is fully convinced that there is no necessary barrier in the way of truth and justice; that there need be no warfare between the rich and the poor; but that the interests of all may be balanced for the common good.

" After having had more than twenty Petitions presented to Parliament and received, not one of which has been seriously entertained, your Petitioner has little hope of a hearing, especially at this advanced period of the session; but trusts that the dawn of intellect and the spread of liberality may, by and by, introduce a better age, when antipathies will be extinguished—when kindly sympathies will have place between the rich and the poor—when no one individual will be dependent on the caprice of another, and when justice may be obtained free of cost.

" He, therefore, entreats that this Petition may be printed, as a remembrancer, and that as soon as may be, the statute 11 Henry VII. cap. 12, being '*a mean to speed poor labourers in their suits,*' be considered and amended."

Your Petitioner, more and more convinced of the great importance of the above, loses no time in submitting it to your Lordships' House, and now most earnestly entreats that the subject may have immediate and serious attention,

And he will ever pray,

ROBERT GOURLAY.

Mr. Gourlay begs of the Lord Chancellor to peruse and present the accompanying Petition (first copy of the above) to the Lords.

House of Correction, July 4, 1825.

House of Correction, Cold-bath-fields,
July 4th, 1825.

Sir,

I intimated to you, under date June 10, that I would submit to you, after six or eight days, a Petition as to pleading *in forma pauperis*; but my avocations have prevented attending to this till now, when I send you one which I hope is unobjectionable, and which I would be glad if you would present, and get printed to-morrow. Should you decline, be so good as return it in the course of this evening, or early to-morrow morning.

I am, &c.

John Williams, Esq. M. P.

ROBERT GOURLAY.

Sir,

I am desired by Mr. Williams to say, that when your Note and Petition came, he was, *accidentally, out of town*, therefore he could neither present the Petition nor return it to you; but he desires me also to say, that it would do no good at the end of the sessions, and he has no objection to present it for you next sessions.

I am, Sir,

Your obedient servant,

R. SIMPSON,

Clerk to Mr. Williams.

Lincoln's Inn, July 6th, 1825.

House of Correction, Cold-bath-fields,
July 8th, 1825.

Mr. Gourlay despatched to the House of Lords on the 4th Instant, a packet containing a Petition, and request that the Lord Chancellor would present the same. Supposes that there was not time before the close of the session for perusing and presenting the Petition; and now begs to be favoured with two lines saying if his Lordship would present it next session, Mr. G. thinking the subject highly important, and most proper to be considered by the Lord Chancellor.

House of Correction, Cold-bath-fields,
July 17th, 1825.

My Lord,

Your Lordship will pardon my writing to you of a Sunday, seeing that on this day only have I a special messenger at command. On the 4th instant I despatched for your Lordship, at the House of Lords, a Petition, begging that the same might be presented, and, on the 8th, conceiving that there had not been time for this before the prorogation, I made inquiry by note, addressed to Hamilton-place, which was not replied to, perhaps because the Petition was not calculated for next session. I now enclose another, and beg to be informed if your Lordship will present it on the meeting of parliament. Its fellow is in the hands of a Member of the Lower House, who is to do the duty there of presenting it, and a subject more fitting for your Lordship's serious consideration cannot exist. Two lines in reply will satisfy,

My Lord,

Your Lordship's obedient servant,

The Right Hon. The Earl of Eldon.

ROBERT GOURLAY.

NOT REPLIED TO.

House of Correction, Cold-bath-fields, 9th August 1825.

Sir,

Your clerk wrote to me, July 6th, that you would have no objection to present my petition respecting suing *in forma pauperis* next session; and considering that you have accomplished great public good, by instituting inquiry into Chancery-delays, I shall not lose sight of this, if you continue in Parliament.

As you desired me to consider your *numerous engagements, and not give you trouble unnecessarily*, I have delayed, till this vacation-time, to put two questions, which occurred on your presenting my Chancery petition. One prayer of that petition was, that my petitions, presented 22d and 30th March, should be printed. This was not granted, and I should be glad to know if you had any reason for not urging the request. Another prayer was, that I should be allowed means to publish my own Chancery experience, already printed to the extent of 260 pages. According to newspaper reports, you did not only *not* urge this, but told the House you *did not suppose* such a request would be granted, thus setting the question aside, which appeared to me strange, and especially as you had not read my printed works, though offered you for perusal. I was of opinion, and am still, that my Chancery experience would throw great light on abuses. I cannot see that it was wrong to pray for means to publish, or that Parliament might not have granted assistance towards this, if pressed to do so, as it grants assistance to many things not only of less consequence, but

apparently with much less reason. It is possible you may know better, and I shall be glad of frank explanation.

I am, Sir,

Your obedient servant,
ROBERT GOURLAY.

John Williams, Esq.

NOT REPLIED TO.

CORRESPONDENCE WITH MEMBERS OF PARLIAMENT ON
VARIOUS SUBJECTS.

*House of Correction, Cold-bath-fields,
8th July, 1825.*

Mr. Gourlay, after receiving Mr. Hume's note of 2d July, expected, of course, that the petition from Wiltshire would be presented; but having heard nothing of it, supposes some accident has happened, and wishing to inform subscribers how it is, begs two lines in explanation from Mr. Hume. Perhaps he may keep the petition, and present it early next session.

Mr. G. would be glad if Mr. H. would favour him with the Parliamentary report on the combination laws, which cannot be purchased. Some two months ago there was, among the orders of the day, one respecting LEASING MAKING IN SCOTLAND; and if any paper was printed on that subject, Mr. G. would be glad to have a copy of that also. Though a combination act has been passed repealing Mr. Hume's, infinite good will result from the movement altogether; and Mr. G. concludes with thanking Mr. Hume for that public service.

Worthing, 31st July, 1825.

Dear Sir,

I have only this day received a letter from you, dated the 8th instant, requesting to know what became of the petition from Wiltshire, which, on the 2d of July, was entrusted to my charge, and I beg to assure you that I presented the petition at the next meeting of the House; and, in my place, appealed to Mr. Peel to institute an inquiry respecting the propriety of keeping you in confinement. I understood from Mr. Peel that he had nothing to do with your confinement, and that you might be liberated on granting some forms which the law requires.

I shall procure, on my return to town, a copy of the report on the combination laws, which shall be sent to you. There was some bill in the House as to LEASING MAKING; but I really do not know about it, but shall inquire, and send you any papers that may be about it.

Mr. Gourlay.

I am your obedient servant,
JOSEPH HUME.

*House of Correction, Cold-bath-fields,
8th August, 1825.*

Sir,

My friend, Mr. Bannister, who waited upon you in April, on my account, has now, for the first time, told me that you expressed an opinion to him that I was insane, and that he believes it was because of this you declined advocating my cause. Permit me to say, that nothing would more oblige me than your frankly telling me, on what you rested your opinion. Aware of this, I might convince you or others of the contrary, and thus rescue myself from the greatest of misfortunes.

If you have not destroyed the printed petition to the Lord President of the Court of Session, which I gave you, and can readily lay your hand upon it, I should be glad if you would return it to me. Begging to be excused for thus troubling you,

I am, Sir,

Your obedient servant,
ROBERT GOURLAY,

John Stuart Wortley, Esq.

August 15th, 1825.

Sir,

Having been from home, your letter of the 8th instant did not reach me until yesterday, which will account to you for not having received an earlier answer. The petition to the Court of Session to which you refer, if I have it, is left in London, and I, therefore, have it not in my power to send it to you.

With reference to the other part of your letter, it is not very easy for me to give you an answer that is at all likely to be satisfactory to you, and I must therefore decline doing so.

I am, Sir,

Your very humble servant,

J. STUART WORTLEY.

Robert Gourlay, Esq.

House of Correction, Cold-bath-fields,
May 20th, 1825.

"This appeared to him to be much the same as if a disappointed suitor in the Court of Chancery (as for instance, Mr. Gourlay) should go up to the Noble Lord on the 'woolsack, and should say, 'May it please your Lordship, I, as Mr. Gourlay, bear no ill will to you as Earl of Eldon, but as a disappointed suitor in Chancery, I hit you, as Lord Chancellor, a knock on the head.' (Hear, and a laugh.) These, my Lord Bishop of Chester, are words reported in the Times newspaper of 18th instant, as uttered by you; and which were no sooner read to me by a friend, than he exclaimed, "what impertinence!"—I saw the matter more seriously, and so may speak of it on a future occasion. For the present, it is well to ask, if you did utter such words? and I put to you the question civilly, expecting a civil reply. If you did utter them, or others tantamount, I shall expect from your Lordship an apology; and say this more, that it is due also to the public. The words quoted are every way unwarrantable. Towards me, as a persecuted man, they are cruel; towards the public, their levity is especially unbecoming from the mouth of a Right Reverend Bishop.

Your obedient servant,

ROBERT GOURLAY.

The Bishop of Chester

House of Correction, June 3d, 1825.

Mr. Gourlay, while furnishing the Bishop of Chester with the annexed duplicate (of the above) for perusal in the House of Lords, whither this will be despatched, has only to add, that the letter was shown to several gentlemen, who approved of it, and, among others, to the Chaplain of this House, who said "The Bishop is a good man, and, will reply to it."

"The Bishop of Chester said he had, from this occurrence, learned a lesson, not to make assertions on the authority of others. In future, he, certainly, should not repeat, in that House, the statements of interested parties without due inquiry." Extracted from the Bishop's speech in the House of Lords, reported in the Times of June 4th, 1825.

The Bishop further wrote a letter to the Chaplain of the House of Correction, to be read to me, expressing sorrow for what he had said, and this I accepted as an honourable amends.

House of Correction, Cold-bath-fields,
4th June, 1825.

"The next petition was from Mr. Gourlay, who was a mad man. That was the real situation of Mr. Gourlay. He advised the learned and honourable mover (Mr. Williams) to look well to his safety. In the course of last sessions, Mr. Gourlay had knocked down the member for Winchelsea, for not presenting his petition. But his zeal was very indiscriminate. It would not be surprising to hear of his treating the honourable and learned gentlemen with as unsparing severity for having presented the petition. In that case his animus of courage would avail him but little. Mr. Gourlay was a strong and a tall man. His honourable friend

" was not near so strong and so tall. Such were the petitions which his honourable and learned friend thought proper to present, though he could not be induced to own himself as father to the spurious offspring. Mr. Gourlay had no objection to a Court of Chancery which would decide quickly, however erroneously."

The above, Sir, is extracted from the Times newspaper of 1st instant, being part of what is there given as your speech in the House of Commons the preceding evening. As a lawyer, you may be accustomed to sport with truth and sincerity; as a member of Parliament, you are authorized to speak freely; and as a privy councillor may think yourself safe in going any length with abuse; but I would wish you to reflect seriously at home and of a Sunday, as a man and a Christian, how you would like to be thus spoken of, and what I may be entitled to do, mad or sober, in return, not on behalf of myself alone, but my children. It still remains for you to deny the authenticity of the report, or to make apology if it is correct. The Times newspaper cannot be regardless of its character in reporting Parliamentary speeches; and, on the other hand, it is not easy to imagine a gentleman of your standing and respectability could be guilty of gross and unfeeling slander.

Your obedient servant,

ROBERT GOURLAY.

The Solicitor General.

" The Solicitor General ably defended the Lord Chancellor from the imputation of being the cause of the delays complained of. He noticed the subjects of the various Petitions now before the House, and maintained that four of them stated untruths and deception. Among them, was one from Mr. Gourlay, who, he said, was an undoubted madman. The fifth, from a person who had been committed to the Fleet, originated in direct malice."

Sir,

Referring to my letter of the 4th instant, handed in that day to your Chambers, Stone-buildings, and to the duplicate despatched two days afterwards to the House of Lords, I now furnish you with another edition of the slander extracted from the Salisbury Journal, leaving it to you to determine what is proper on your part.

I am, Sir,

Your obedient Servant,

ROBERT GOURLAY.

*House of Correction, Cold-bath-fields,
June 11, 1825.*

The Solicitor General.

NOT REPLIED TO.

There were, in the course of the Session, petitions presented in my favour from the parishes of Ceres, Forgan, Ferry-port-on-Graig, and Schoonie, in Fifeshire; also from the Borough of Hindon and vicinity, the parishes of Tisbury, Wily, Langford, Stapleford, Newton, and Wishford, in Wiltshire. Of these, the three following are specimens extracted from the Journals of the House of Commons.

No. 932.

A Petition of there undersigned inhabitants of the parish of Schoonie and county of Fife was presented and read; setting forth, that the Petitioners have heard, with much sorrow, that Mr. Robert Gourlay, a native of that county, has been deprived of his property in England by a long continued suit in Chancery; that for no less a period than five years, he has been deprived from exercising laudable means for the provision and well-being of his family by litigation, and is still deprived of the same, and that he is now confined in the House of Correction, Cold-bath-fields, for a breach of privilege [this is a mistake] upon the House. The Petitioners, therefore, entreat, that the House will be pleased to make such inquiry into the case of the said Robert Gourlay as may ensure to him that consideration of the grievances of which he complains, which a wise, enlightened, and impartial government is so eminently calculated to bestow.

No. 933.

A Petition of the there undersigned inhabitants of the parish of Wily and its vicinity, in Wiltshire, was presented and read; setting forth that the Petitioners have heard that Robert Gourlay, late of Deptford-farm in that county, has been deprived of his property in England by a long continued and vexatious suit in Chancery; that he has been unconstitutionally banished from his property in Canada, after two honourable acquittals from false charges; that he has been unjustly deprived of provision for his children during five years by litigation, and is still deprived of the same, though secured by decision of the House of Lords; that he has often, but without success, petitioned the King and Parliament for inquiry into his case; and that he is now confined in the House of Correction, Cold-bath-fields, without benefit of trial. The Petitioners, therefore, entreat that the House will be pleased to appoint a commission to visit the said Robert Gourlay, make such inquiry into his case as to ensure justice, and restore him to the possession of his property at home and abroad.

No. 934.

Two Petitions of the Inhabitants of the borough of Hindon and its vicinity, in the county of Wilts; and of the inhabitants of Tisbury and its vicinity, in the county of Wilts, were presented and read; setting forth, that the Petitioners, taking into consideration the case of Robert Gourlay, once an occupier of land in the county of Wilts, and now confined in the House of Correction, Cold-bath-fields, for insanity, which, in the view of the Petitioners, is a case of great hardship and against every feeling of humanity, and likely to cast a stain on the justice of the House, for whose honour the Petitioners feel the highest veneration and esteem: The Petitioners, therefore, pray that a commission may be appointed to inquire into his case, that the said Robert Gourlay may be visited, examined, and assisted, if found worthy.

The Petition of the undersigned Inhabitants of the Parishes of Stapleford, Wishford, and Newton, in the County of Wilts,

Humbly sheweth,

That your Petitioners have heard that Robert Gourlay, late of Deptford-farm in this county, is now confined, as an insane person, in the House of Correction, Cold-bath-fields, merely on the oath of hired doctors.

That your Petitioners think that this is contrary to justice, and therefore entreat that inquiry shall be made into the case of the said Robert Gourlay, so that he may be liberated and assisted, if found worthy.—And, as in duty bound, they will ever pray.

*House of Correction, Cold-bath-fields,
October 14, 1825.*

My Lord,

I addressed your Lordship, the 17th of July, desiring to know if you would present to the House of Lords, next Session, a Petition accompanying my letter; but received no reply. It is to suppose that your Lordship might not then have time to peruse the petition; but now it may be read and reflected on. It maintains, that JUSTICE SHOULD COST NOTHING, and has these words: "YOUR PETITIONER IS NOW IN PRISON, AND CANNOT OBTAIN A WRIT OF *habeas corpus* TO GO BEFORE A JUDGE FOR ADVICE WITHOUT PAYMENT OF THIRTY SHILLINGS, WHICH HE CANNOT AT PRESENT AFFORD."

This letter has no other object but to call attention to the above position and these facts.

Your Lordship's obedient servant,
ROBERT GOURLAY.

*The Right Honorable the Earl of Eldon,
Lord Chancellor, &c. &c.*

APPENDIX.

SECOND SERIES.

CORRESPONDENCE REGARDING CANADA, &c.

(B. 1.)

*Berwick Farm, near Hindon,
Wiltshire, April, 1823.*

Dear Sir,

Last year I asked you to present for me to the House of Commons, a Petition, stating that I had witnesses ready to prove certain abominable treatment experienced by me in Upper Canada. You interested yourself in the most friendly manner; put the Petition into the hands of Mr. Brougham, who expressed his sense of the hardship of the case: advised that the Petition should be amplified; undertook to present it; gave me reason to think that he would exert himself in my behalf; delayed presenting the Petition for several months, and then flung it before the House without a word to gain attention. The impression made on my mind was that Mr. Brougham had some reason for disappointing my hopes, which he did most grievously. If he really had, he will, I trust, frankly declare what it was. Though I occupy a very different station from that of the Emperor of Russia, I am nearer at hand, not yet under the earth, and very far from being afraid of "*drops of blood*.* I did not flinch among Fife lairds, and shall not among English paupers.

Mr. Brougham presented for me two Petitions, which are printed together in the Journals.† The personal Petition, offering to bring forward witnesses needed very little oratory to gain for it notice. If its assertions are true, every Member of the House would allow that my case ought to be inquired into; and in the Upper House Lord Holland said so, the last business day of last session. I assert to you, upon my honour, that nothing but zeal for retaining

* See Mr. Brougham's speech in the House of Commons just before the date of the above letter.

† See A. 6, and A. 7.

Upper Canada to Britain, and that, too, for vast purposes of benevolence ever actuated my conduct there. After being twice tried, and honourably acquitted, I was flung into jail and ruined—ruined in fortune, credit, health, reputation. For what?—for the expression of natural feelings and truth—for the just reprobation of fools and blackguards: because, too, of the most infamous and groundless slanders forged and propagated by ministerial agents.

The ignorance of people at home regarding Canada, and on the subject of colonial policy in general, is beyond measure; but never had clearer display than in the debates of last summer upon the Canada Government and Trade Bill. I objected to that Bill in letters to Mr. Hume, Mr. Wilmot, Mr. Brougham, Mr. Ellice, and Sir James Mackintosh; and seeing the continuance of outrage to decency and common sense, scrolled off a Petition, as a text for conversation on the subject with Mr. Brougham: I had no opportunity to converse, and Mr. Brougham, without being aware of my meaning, presented the scroll (A. 7). It is well, after all, that he did so; it will remain as a public testimony that my sentiments accorded with those of the Colonists. Here is an extract of a letter received by me a few weeks ago from a Member of the Upper Canada Parliament, dated 3d November, 1822:—"It is supposed that the Parliament will be called together shortly, to take into consideration the Government Bill, for uniting the Provinces. I think the majority of the Members will be for union, but not under the present Bill. All that I have spoken to about it, detest the idea of such a Bill taking place. The Trade Bill is a most infamous thing for our part of the country: it amounts to a complete prohibition, as our vessels cannot go into their (United States') ports, without immense tonnage duty; nor theirs into ours upon the same principle. There is no doubt we are going down hill as fast as possible." A commission ought *immediately* to be *sent out* to British North America, to inquire into facts, and blow up the humbug of that country remaining a burden to Britain: show this letter to all who are named in it with your convenience, and tell Mr. Wilmot in particular, for the information of the new * Secretary for the Colonies, that I, disappointed of a lairdship in Fife—ousted of my farm in Wilts, and reduced to pauperism by persecution, will yet, with the patronage of Government, give one hundred thousand pounds a year for British North America, on a twenty years' lease—save all expenses to this country after ten years; and deliver up possession to His Majesty at the end of my lease, not only in good repair, but with a vast increase of loyal subjects.—Huzza, for Fife-shire and the *lang toon* o'Kirkaldy!—

I have perfect confidence in your goodness and need not say more.

Lieut.-Gen.

Sir Ronald Ferguson, K.C.B.

M.P. &c. &c. &c.

Yours, &c.

ROBERT GOURLAY.

* It was reported at this time that Lord Bathurst was going out.

(B. 2.)

Berwick Farm, 22d May, 1823.

Sir,

You will receive in the course of to-morrow, a packet sent by coach to London, containing correspondence, &c. which took place last summer, regarding the Petition to Parliament which you took a friendly interest in, with copies of other papers and letters connected with the subject—to me a serious one. May I ask you, when your leisure permits to look over these copies, and allow Mr. Brougham, or any other Member of Parliament to do so. The last two letters I should be glad if you would peruse on receipt of the packet. Allow me to assure you of my respectful regard; and confidence, that, should opportunity offer, you will advance what I have been praying for—inquiry into the state of Upper Canada.

Yours, &c.

Lieut.-Gen. Sir R. Ferguson.

ROBERT GOURLAY.

(B. 3.)

Berwick Farm, June 26, 1823.

Sir,

I sent to London some weeks ago, a parcel containing A CORRESPONDENCE as to my Canadian affairs, &c. which I suppose was delivered to you; but not being sure of this, should be obliged with two lines, saying, if you received it or not. Address to me at *Berwick Farm, Hindon, Wilts*, and believe me faithfully,

Yours, &c.

Lieut.-Gen. Sir R. Ferguson.

ROBERT GOURLAY.

(B. 4.)

Clarges-street, Saturday, 28th June, 1823.

Dear Sir,

I this morning received your letter of the 26th inst. and beg to inform you, that I received your papers safe. Owing to a pressure of business, I have not been able to read them with that attention I wished.

My opinion of your treatment in Canada is the more confirmed by all the information which reaches me; but, under present circumstances, I cannot be sanguine as to your injuries being redressed.

Pray let me know to whom I shall send the papers previous to my leaving town.

I am, Dear Sir,

*Robert Gourlay, Esq.*Your faithful humble servant,
R. C. FERGUSON.

(B. 5.)

2d August, 1823.

Dear Sir,

I am on my road to Raith, and find I forgot to write to you before leaving London, to say, that I had changed my house from No. 1, Clarges-street, to No. 5, Bolton-row, Piccadilly, where I have left your papers, sealed up, to be delivered when called for.—I am, (in great haste,)

Yours, truly,

Robert Gourlay, Esq.

R. C. FERGUSON.

(B. 6.)

13, Clifton-street, Finsbury, 2d Feb. 1824.

Dear Sir,

I called at No. 5, Bolton-row, Piccadilly, the 18th of last month, and carried off the packet of papers left for me. I read them over to a friend, who has marked them with his initials, and the date; explaining to him, at the same time the serious, and to me, important business connected with them. I shall carry them back to No. 5, Bolton Row, to-morrow; and hand them in along with this. All that I request of you is, merely to keep them in your possession until I have occasion to refer to them, which I expect to have at an early period of the session of Parliament.—Believe me, with respect and confidence,

Yours, &c.

ROBERT GOURLAY.

N.B. I have added to the correspondence relating to Canada, a letter to Mr. Wilmot, dated 3d December, 1823.

*To Lieut.-Gen. Sir R. Ferguson.**Contents of the Packet sent to Sir Ronald Ferguson.*

(B. 7.)

13, Clifton-street, Finsbury, 1st April, 1822.

Sir,

I called this morning at your house, to request the favour of your looking over the scroll of a Petition which I should be glad was presented to the House of Commons this week. Finding that I had neglected to put the scroll in my pocket, I retired, came home for it, and now finding it will be too late to see you in person to-day, take the liberty of accompanying it with this that you may glance it over at first leisure, and return it to me. I should, with great pleasure, again wait on you in York-place, if you desire to speak on the subject at any time most convenient to you. The subject of the Petition is a

vital one to me, and I shall not again have a chance of producing witnesses.

Whether my proposals are at all hopeful, you will be able to judge. For myself, I am very ignorant of forms.

I have the honour to be,

Joseph Hume, Esq.

Yours, &c.

ROBERT GOURLAY.

(B. 8.)

Sir,

I have perused the draft of the proposed Petition; and would suggest the propriety of your asking some other Member to present it, as I presented one from you so lately.

I am, your obedient servant,

April 3d, 1822.

JOSEPH HUME.

Scroll Petition above referred to, see, as amended (A. 6.)

(B. 9.)

13, Clifton-street, Finsbury, Thursday.

Sir,

I called at your lodgings yesterday, to ask the favour of your presenting for me the accompanying (the above) Petition to the House of Commons: but do not regret delay, as it may give you time to consider the subject, should you be inclined to oblige me. I ask your assistance as a representative of my native country; and one whose conduct in Parliament I have uniformly admired. Could you be at home on Saturday, I should gladly wait upon you, to converse on the subject of the Petition—and am,

Yours, &c.

Sir R. Ferguson.

ROBERT GOURLAY.

(B. 10.)

9th April, 1822.

Sir,

I was sorry I was from home when you called on me, and was so occupied when in town, that I could not fix a day to meet you. I am at present in the country, but shall return to town next week, when I shall be happy to see you any day between twelve and one o'clock.—I shall be glad to be of use to you, and to have a conversation with you on the subject of your Petition, but I fear that my presenting it would not be attended with any advantage to you, as it ought to be in the hands of some Member intimately acquainted with the laws administered in our Colonies. If I can be of use in pointing out such a person, it will give me pleasure.

I am, Sir,

Your humble servant,

R. C. FERGUSON.

(B. 11.)

13, Clifton-street, Saturday.

Sir,

I have received your obliging letter of 9th instant, and when Parliament meets, shall take advantage of your offer to converse with you on the subject of my Petition. It does not require legal knowledge: I waive the point of law, and confine my prayers solely to inquiry, because of severe treatment in jail, which could not be proved till now that people are in London who were at the trial. I take the liberty to enclose for your perusal a Petition, which Mr. Hume lately had presented for me, and which I should be glad to have again noticed.

I have the honour to be,

Yours, respectfully,

Lieut.-Gen. Sir R. Ferguson.

ROBERT GOURLAY.

(B. 12.)

13, Clifton-street, 22d April, 1822.

Sir,

Upon further consideration, I found that it would be impossible for me to make my round in the country, and be back to wait on you as proposed next Friday; I have, therefore, resolved to remain in town till my Petition is presented. At twelve o'clock, Wednesday next, I shall call at your house; and if you are then engaged, shall return at any hour you appoint; meantime you will have opportunity to converse with Sir James Mackintosh and Mr. Brougham. Nothing would please me so much as to see an inquiry into the state of North American Colonies instituted by them, and the occasion is ripe. The Attorney-General of Upper Canada has been sent home by the Legislature of that Province, to complain of the non-payment, on the part of Lower Canada, of certain duties, &c.—This is quite a bagatelle; but it may give an opening for extended inquiry, which should, indeed, be immediate and complete, embracing the whole economy of the Government of British North America. It may be a question, whether it would be better to let ministers come before the House themselves, which, I presume, the mission from Upper Canada must require of them to do, or for the leaders of opposition to give the set-to. The necessities of the times and general notoriety, as to Colonial abuses, are quite sufficient for a ground work: our whole Colonial system needs and must speedily be reformed; but, when inquiry is gone into for this end, the subject should be considered by parts. Very different views should be taken of North American Colonies, and the East Indies, the South Sea Islands, the West Indies, or such a baseless piece of folly as maintaining, at great expense, the Ionian Islands. It is

just five years since I went out to North America ; and I was not long there before I saw clearly what was wrong—business and common sense uniformly sacrificed to folly and favouritism. At this moment, I am as sure as that I am in existence that several hundred thousand pounds a year could be drawn into the British Treasury, by the mere right disposal of land in lieu of as much paid out for establishments absurd and unnecessary. In these times this is important : It should now be simply asked, *what can be made* of this or that colony ? My Petitions have all been intended rather as matter of form than any thing else. I have had little hope of their obtaining notice of themselves, but was sanguine that circumstances would soon conspire to cause inquiry, and that then what they pointed to, might be seriously thought of. If considering the proper time to be arrived, my present one could afford opportunity for a motion being made for general inquiry, good and well : it would make me proud to have my perseverance honoured. Otherwise let it simply be presented and printed for future reference. Decision as to this, I should leave entirely to yourself and the gentlemen spoken of, so well qualified to decide for the best. I have had a strange struggle, and now unfortunately labour under a nervous malady, which often totally unmans me ; but, you may depend upon this, that I never entertained a single mean or mischievous thought ; and when the Fifehire *espionage* has, by corresponding with the county Member, ascertained all my “ *motions*,” political or otherwise, there will be found none which I shall not be very happy to have proclaimed aloud. I accompany this with two printed Petitions, which I wish to remain with you, but which I inadvertently carried off : also, a *circular*, of which you would receive a copy soon after its date ; but which, no doubt, has been long since thrown aside. Did your leisure permit, you might again glance over the *statement* which it contains.

I have the honour to be,

Yours, &c.

Sir R. Ferguson.

ROBERT GOURLAY.

(B. 13.)

Sir,

The Petition, &c. are in Mr. Brougham's possession, and if you will take the trouble to call on Saturday, the day originally agreed on, I have no doubt I shall have his opinion on the subject of your Petition.

In haste—I am, yours,

R. C. FERGUSON.

Wednesday Morning, 24th April.

Robert Gourlay Esq.

(B. 14.)

1, Clarges-street, Thursday, 30th April.

Sir,

After seeing you yesterday, I had a conversation with

Mr. Brougham. He has read your case, and thinks it a strong one, and will be happy to present a Petition for you. He bids me say, however, that he wishes you to make out a Petition shortly embracing the whole of your case, instead of referring to any former Petitions. He likewise thinks that having any thing printed on the same paper with the Petition might be objected to, at all events would not be printed with the Petition. Under these circumstances, I strongly advise you to make out a Petition as shortly as you can, containing your whole case, which will enable Mr. Brougham to state it fully to the House. Should you agree to this suggestion, if you will bring your Petition here I shall forward it to Mr. Brougham.

In great haste—I am, &c.

Robert Gourlay, Esq.

R. C. FERGUSON.

(B. 15.)

Saturday Night, 4th May.

Dear Sir,

On my return home to night, I found the enclosed note from Mr. Brougham, by which you will see he cannot see you to-morrow at eleven, as he intended. You will better leave a message that you will call at five or next morning, (Monday,) at a quarter before five.

Yours, &c.

R. C. FERGUSON.

Pray let Mr. Gourlay know that I am not able to see him to-morrow before five; or any other morning at a quarter before ten.—I have read and corrected the Petition which will now do very well.

Yours,

Lieut.-Gen. Sir R. C. Ferguson.

H. B.

(B. 16.)

13, Clifton-street, Finsbury, 8th May, 1822.

Sir,

You will receive along with this my Petition and annexations fully and fairly engrossed. It would be important to have the whole printed. The sedition law of Upper Canada is, I presume, the most villanous piece of legislation that ever was penned, taking it merely as applicable to aliens, and the more it is studied, the more will this appear. It is of itself quite sufficient to provoke inquiry into the state of the province, especially now when three years have gone by since it was applied to me, a British subject; and since repeated attempts made by the Assembly to have it repealed have been resisted by the Legislative Council of the Province.

If you did not yourself propose to bring on a motion, for general inquiry into the state of Upper Canada, and other North American Colonies, it would be highly beneficial to press Ministers to a speedy, frank, and full discussion on the subject. Were a plan digested now, it would be laid before the Provincial Legislatures in time to be returned, with their sentiments, for mature consideration next session of the Imperial Parliament. No time should be lost to treat with the Colonies on liberal principles: nothing but liberality will do; and with this they can be retained with profit and honour. We can, with the utmost ease, retain the sovereignty, the right of disposing of land, and the monopoly of trade, after all interference with internal legislation is withdrawn, which it should be gradually.

With respect to my own individual case, it would be high gratification to have an address to the Crown moved in my favour, whether I should ever be able to take advantage of it or not. Chances are against me. I am not only broken down in health and fortune, but torn to pieces with private cares, in such a way, that life itself is no enviable possession; yet, even dying, I should wish to die for the sake of my children, cleared from even the nominal taint of banishment.

Presuming that you will present my petition to-morrow, (Thursday,) I shall attend in the lobby of the House, between half-past three and four o'clock, lest you should wish to put to me any question.

I have the honour to be, &c.

ROBERT GÓURLAY.

Henry Brougham, Esq. M.P.

(B. 17.)

13, Clifton-street, Finsbury, 9th May, 1822.

Sir,

The Petition which you returned to me, was put into the hands of General Ferguson, who has proved friendly. He consulted Mr. Brougham on the subject, who advised, that the Petition should be amplified, and that being done, he is to present it early next week. I take the liberty to accompany this with a scroll of the principal part, together with printed documents, formerly referred to as memoranda, should you feel inclined to advance any thing on the occasion. Nothing could be more wantonly cruel than my treatment in Upper Canada; and nothing can prove more clearly the tyrannical spirit which exists there, than the fact that the sedition law, under the colour of which I was imprisoned and banished, still remains on the statute book, from the resistance on the part of the Legislative Council to the repeated attempts of the Commons' House of Assembly to have it repealed.

I have the honour to be, &c.

ROBERT GÓURLAY.

Joseph Hume, Esq.

(B. 18.)

13, Clifton-street, Finsbury, 10th May, 1822.

Sir,

You will recollect having presented for me two Petitions to the House of Commons last year, and the year before. I had then expectation that a commission would come home from Upper Canada, requiring of the Home Government a full and fair inquiry into the state of the province; but, in that I was disappointed, and, early this session, had Mr. Hume to present for me a Petition, pointing to what might be done in North American Colonies, on the score of *economy* and *retrenchment*. I have now, in the hands of Mr. Brougham, a *fourth* petition, praying for inquiry into my own case, banished under colour of the Canadian Sedition Act; a matter which I did not before urge, for want of witnesses. This, I expect, will be presented early next week, and I take the liberty to furnish you with a copy along with this, thinking it possible that something may occur to you, with previous reflection, worthy of notice on the occasion. When you presented my first petition, you observed that the Canadian statute might, of itself, be an object for Parliamentary attention. It is a statute which, taken as applicable only to aliens, is absolutely nauseous; and the fact, that the Legislative Council of Upper Canada has resisted, for these two last years, the desire of the Commons' House of Assembly to have it repealed, speaks volumes against the spirit which governs and degrades that country. Could you find occasion to converse with Mr. Brougham on this subject, and on the policy which should be pursued towards North American Colonies, it might lead to important results. I observed, from newspapers, that petitions had been sent to you from Newfoundland, praying for a regular constitution of government to that country, and also your conversation with Mr. Wilmot, in the House of Commons, wherein he spoke of bringing forward something on the subject early next session. From years of reflection, it has occurred to me that there is but one course of policy which can retain to Britain her North American Colonies: viz. by confederating them, and granting independence, as soon as their strength is sufficient to maintain it. The Canadas, Nova Scotia, New Brunswick and Newfoundland, naturally hang together, have ample bounds, and with the redundant population of Britain thrown into them for ten or a dozen years, would be able to defend themselves. The hearts of the people still glow with a desire to remain connected with this country: liberally treated, they would for ever admit of the sovereignty of the British crown, allow us to draw a revenue from the disposal of unappropriated lands, and enjoy a monopoly of their trade. These, surely, are important objects, and if speedily seen to, may be secured. Did opposition members press ministers, this session, to a declaration of some specific plan, it could be laid before the Colonial Legislatures for their adoption, in time to be confirmed in the ensuing session of the Imperial Parliament. For three years past, a dispute has sub-

sisted between the governments of Upper and Lower Canada, respecting certain duties collected at Quebec. For a time, a share of these was granted to the former by the latter, but of late has been refused; and because of this, chiefly, a commission has been sent home to confer with the Supreme Government. It is also proposed to unite the Canadas. I have only to observe, that it will be a thousand pities if time is lost in the consideration of partial measures.

The whole system of our Colonial government and policy in North America is wrong, and to press on to a thorough revision would be at once honourable to the party who does it, advantageous to the Mother Country, and merciful to the Colonies, where degradation and misery exist without the smallest necessity.

You will, I trust, pardon this liberty, and believe me to be, with high respect, yours, &c.

ROBERT GOURLAY.

Sir James Mackintosh.

(B. 19.)

13, Clifton-street, Finsbury, 13th May, 1822.

Sir,

A nervous malady, to which I have been subject ever since my confinement in Niagara jail, has, owing to the pressure of private cares, been growing upon me for the last two months. It now almost unfits me for business, and there is no remedy but in hard exercise and change of scene. I wished to remain in town till after my petition was presented, lest, beforehand, you should have any question to put to me; but now, supposing this can be dispensed with, I go off to-day to the country for a week, and on my return, if any motion is made for inquiry into my case, or generally into that of Upper Canada, I shall be more fit for examination if called upon.

On Saturday I addressed a few lines to Sir James Mackintosh and Mr. Hume; furnished them with copies of my petition and annexations, said you would present the petition early this week, and that I should be happy, had they opportunity, to converse with you on the subject.

I have just observed from the newspapers of this morning, that Mr. Hume is to bring on his motion respecting the Ionian Islands to-morrow, and the consideration of abuses in North American Colonies may do well to go hand in hand with that; although there is a very different course of policy to be pursued with these colonies. The former, no doubt, must be abandoned; the latter should be retained, cherished, confederated, and, after a given period, have freedom to act for themselves. In my petition, presented by Mr. Hume, 27th February last, I endeavoured to set forth objects worthy of attention, regarding North American Colonies, which will bear review. The fact, that a judicious disposal of unappropriated lands would bring in a considerable revenue is important, not only in point of economy towards this country, but in justice to the inhabi-

tants of Upper Canada, to whom several hundred thousand pounds are due, for losses sustained in the late war with the United States, which could be speedily made good to them out of the land sales. Were a commission, consisting of plain business men sent out to survey and report, as to the public lands, they would see into this at once. Perhaps, indeed, documents, which must be in possession of the Colonial Department, could be obtained by a motion for that purpose, from which estimates could be immediately made of the value of these lands, laying in a state, at present, worse than useless. There is, in short, a vast field for inquiry and improvement; but it would be improper for me, at present, farther to engage your valuable time, than merely to hint at such a matter as this, obvious, practicable, and pressing for notice.

I have the honour to be, with much respect,

Yours, &c.

ROBERT GOURLAY.

H. Brougham, Esq.

(B. 20.)

Clifton-street, Finsbury, May 28th, 1822.

Sir,

I expected you would present my petition on the 13th or 14th instant, and was anxious to remain in town till it was presented; but the state of my health hurried me to the country, from whence I returned only last Saturday. You have not, I presume, delayed, merely from my absence, and, I flatter myself, you only wait the fittest moment to do justice to the subject. Indeed, I have more and more hope that you will make it the ground of a motion, not for inquiry into my special case alone, but, into the state of Upper Canada and North American Colonies in general. The subject is quite ripe, and needs probing to the bottom. Ministers, I understand, are preparing a bill to lay before Parliament, regarding Canada; but I have little expectation that they will proceed upon the broad principles which alone can ensure permanent arrangement; and it would be duty both to Britain and the Colonies, to press at once the consideration and adoption of such. We can, with the utmost ease, retain British North America, and make the most of it. We can make it a mean, not only of controlling the United States, as it concerns political power, but of gradually improving those feelings which should subsist between the people of that country and this—feelings which, it may be hoped, might, by and by, put down all chance of jealousy, ill-will, or contention, and admit of an intercourse equally friendly and profitable.

I observe, from the newspapers of last week, that, to a question from Mr. Ellice, Mr. Wilmot replied, that Government had come to the resolution of advancing £100,000, to satisfy the claims of sufferers in Upper Canada, by the late war—Government to be answerable for one half, and the province for the other; and that a commission was to go out immediately to investigate the claims. This

business has been trifled with for six years, at the beginning of which period the whole claims, amounting to several hundred thousand pounds, could have been satisfied with greater ease than £100,000 will be now, and that too in the simplest manner. I should say, send out a commission not only to investigate this much, but the whole affairs of the province. I shall now be stationary in town till the end of the session of Parliament; and my present object in addressing you is to say, that I shall at any time be ready to reply to whatever question you may wish to put, either as to my own personal case, or regarding public affairs. Although I should be sorry to intrude, you will allow me to say, that you cannot call upon my assistance too often, or interrogate too freely.

I am, &c.

ROBERT GOURLAY.

H. Brougham, Esq.

NOTE.—Mr. Gourlay will hand this (the above) in to No. 5, Hill-street, and call again in half an hour, should there be occasion for it.

(B. 21.)

13, Clifton-street, Finsbury, 21st June, 1822.

Sir,

You are, I flatter myself, delaying to present my petition till the best opportunity shall occur, and I am hence the more sanguine that it may be productive of good.

Seeing, from the newspapers of this morning, that Mr. Wilmot has brought forward a proposal for consolidating the Canadas, I cannot resist expressing to you my opinion, that pushing this to a conclusion without previous submission to the existing Provincial Legislatures, would be very ill advised—would certainly give offence to a great portion of the Colonies, and have little chance of being permanently adhered to. There are many reasons why Upper and Lower Canada should have distinct legislatures, and I have heard but one for the proposed consolidation, viz. that the duties collected at Quebec may be fairly apportioned. My own opinion is, that there should be no duties collected (by the Provincials) at Quebec; but that the provincial revenue should be drawn wholly from land; and that for more than ordinary reasons. But, allowing that duties were continued on imported goods, they might certainly be apportioned, without jumbling together the whole affairs of people differing in language, laws, manners, religion, &c. The commerce and navigation of the St. Lawrence may, indeed, be regulated by a distinct statute, and the provinces may be confederated for that and other such general concerns—not the Canadas only, but the whole of British North America. I am glad to see that Sir James Mackintosh has objected to the hasty proposal, and hope you will excuse this notice of it.

The Provincial Legislatures could be called together by October next, and their opinion obtained on any measure now brought forward, in order to a final adjustment next session, of the Imperial

Parliament. This would be nothing more than fair, and might save much trouble in the end.

I have the honour to be with high respect,
Yours, &c.

ROBERT GOURLAY.

Henry Brougham, Esq.

P.S. Were it possible to have a commission appointed to go out to Upper Canada, with unbiassed, disinterested, and determined mind to get at the truth, exposures, I am confident, might be made of *evil influences of the crown*, which have no parallel—influences, by which the fairest part of America is rendered vile and worthless. A recollection that you are on Monday to move on the subject induces me to say this.

R. G.

(B. 22.)

13, Clifton-street, Finsbury, 4th July, 1822.

Sir,

I was glad to observe from Newspapers of 21st June, that you questioned the propriety of passing the bill now before Parliament, for altering the constitutional act of Canada, without consulting the feelings of the inhabitants; and I cannot yet guess at the reason which Mr. Wilmot has to offer for not previously doing so.

I have now before me the bill (amended by the Committee) and have perused it carefully. By uniting the legislatures, I see nothing to be gained, but an opportunity and excuse for introducing the English language throughout, an object certainly desirable, but which may otherwise be accomplished. Holding the legislatures distinct for their respective local transactions, and having a council or congress for general management, would be altogether preferable. The mere extent of the country (twice the length of this island) affords reasons sufficient for cutting it in two. The proposal to lengthen the duration of parliament, from four to five years, will certainly give offence to the people, without being attended with any benefit, and altering the qualification for a member of assembly, from the possession of 400 acres of land to a property of £500 value, is also an interference which will not be relished: indeed, all such petty interferences will only tend to make the Canadians look across their boundary to the United States,—for comparisons only generate discontent.

The whole of the clauses of the bill, respecting duties, proceed upon error. Between Canada and the United States there should be no obstruction to free trade. Along such a boundary, it is quite impossible to prevent smuggling, and upon the side of Canada, free trade would, upon the whole, be advantageous to this country, by disposing of British manufactures, in spite of the restrictive system of the United States. Duties levied at Quebec, and left to be applied by the provincial legislatures, to undefined purposes, do harm, inasmuch as they lighten the tax upon land, which would go to im-

prove the state of property. Duties levied on the trade at Quebec, and applied to the improvement of the St. Lawrence navigation, might be highly beneficial, and this, I conceive, could be accomplished by the British Parliament, without trenching on the established principle, that the British Parliament, though it may impose duties for the regulation of trade, is yet to leave the disposal of these to the provincial legislatures. The British Parliament could impose the duties *conditionally*, that they should be applied to improving the St. Lawrence navigation, which is a great national object, and essential to the safety and prosperity of Canada. The bill will do good; I hope, in the way of calling forth discussion: but it certainly ought not to pass without being submitted to the provincials. What is chiefly wanted on the part of the British Parliament, for the good of Canada, is the improvement of the state of property, inquiring into and regulating the disposal of wild land, and abolishing clergy reserves. Were this done judiciously, a considerable revenue might be obtained from North American provinces, even after defraying charges of government, and liquidating claims, due to the inhabitants for losses sustained in war, &c.

Being unwell, I am far from able to state matters so clearly as I could wish; but if these hints should lead to any questions, I shall be happy to answer them, and shall either write or wait upon you for the purpose. To-morrow is the day appointed for the second reading of the bill.

I am, with high respect, &c.

Sir James Mackintosh.

ROBERT GOURLAY.

(B. 23.)

13, Clifton-street, Finsbury, 4th July, 1822.

Sir,

To-morrow is the day appointed for the second reading of the Canada Government and Trade Bill; and I should be happy indeed to see you take an interest in the question. It lays much in your way, and no subject is more ripe for investigation.

I have read the bill twice over, and find it in many respects objectionable. Mr. Wilmot will, I presume, on opening the business, explain what is set forth in the preamble, as to a joint legislature being "*more likely to promote security and prosperity, than the separate legislatures*;" but whatever that explanation may be, many objections will stand out against the measure. A congress or council for general superintendence is wanted, and that should embrace all British North America; but local legislatures of moderate extent are essential; and each of the Canadas is sufficiently extensive—more so, indeed, than the States of America. Should there be but one legislature, Montreal, I presume, would be the place of sitting, and Montreal is six hundred miles distant from some inhabited points of Upper Canada. If each province was to retain its assembly, with power to make laws relating to certain local matters, with the concurrence of the Governor and Council only; while the Legislative Councils were united, and had control over other matters, it might be an improve-

ment upon the proposed measure, which seems to have nothing to recommend it, but the opportunity and excuse of rendering general the English language; and that might be brought about otherwise.

The proposal of making the endurance of parliaments five years instead of four, and that of altering the qualification for a member from the possession of four hundred acres of land to £500 in property, will not be relished by the Provincials. The Governor having power to appoint members of the Executive Council to sit in assembly will also give offence.

The whole of the bill relating to duties I conceive to be erroneous. In the petition you presented for me, 27th of February, it was set forth, that along a boundary of a thousand miles contraband trade could not be prevented, and that Britain could supply the people of the United States with her manufactures, free of duties imposed by that country, allowing this to take its course.

With regard to duties levied at Quebec, these should be taken out of the disposal of the Provincial Legislatures, and applied solely to improve the St. Lawrence navigation, which is a grand national object, and essential to the prosperity and security of Canada.

But the matter of most importance, which requires interference on the part of the British Parliament, is the disposal of public lands, and the sale of clergy reserves. Canada can neither flourish nor be safe while these continue. The people dislike them, and they hold out the greatest inducement by invasion. Their gradual sale would bring in very considerable sums, and ninety-nine in a hundred of the people of Canada would rejoice to see them sold. In Lower Canada, where the great body of the people are Roman Catholics, perfectly loyal, and willing to continue a liberal support to their clergy out of the produce of their estates, this provision for a Protestant clergy is most obviously impolitic and absurd; but, in fact, it is still more so in the Upper Province, where a greater variety of religious sects exists, where the people are more clear-sighted, more inquiring, more irritable, and where nine-tenths would be much more willing voluntarily to subscribe money for the maintenance of religious worship, than to see land reserved for a purpose which it cannot effect, and which so palpably tends to weakness, discontent, disunion, and subjugation.

The desirable point would be, to have full discussion on the present bill; but by no means to let it pass. Let it be first laid before the Provincial Legislatures, which may be called together before the end of October: let inquiry be made as to the wild land and reserves: how they could be best disposed of; and what satisfaction the disposal of the latter, especially, would give to the Colonists—this would be ensuring good, at once, to England and Canada. It would release this country from heavy charges, enable Government to pay up remaining claims to the people, who suffered by the war in Canada, and, after all, would yield us a profit. These positions are good and tenable, and I hope you will make it appear so. With much respect, &c.

I am,

ROBERT GOURLAY.

Joseph Hume, Esq.

(B. 24.)

Clifton-street, Finsbury, 8th July, 1822.

Sir,

Having, for the last two years, watched every movement in Parliament regarding Canada, I have repeatedly observed that you took an interest therein, and presume you are a proprietor of land in the Provinces. On the 22d of June you said that the Canada Government and Trade Bill "*involved principles of great weight and importance;*" and, on the 24th, that "*it did not interfere with a single right or immunity of the humblest individual.*" The bill goes to unite the legislatures—to extend the term of parliaments from four to five years—to dictate as to the qualification of persons eligible to sit in assembly, and to give a seat to executive councillors in that House. Surely, sir, you will not say, on reconsidering such proposals, that rights and immunities are not interfered with. When a territory of the United States contains upwards of thirty thousand inhabitants, it is a constitutional rule to allow these inhabitants to form a new state and frame a constitution for the same, subject only to the general laws of the federal government. Why should the people of Canada, now amounting to five hundred thousand, be less liberally treated? Why should they be unfit to legislate as to local matters any more than their neighbours in the United States? It is a fact, that, hitherto, Canadian parliaments have done any thing but legislate rightly, or behaved well; but where is the cause to be found?—not, certainly, in any thing which the present bill goes to alter; but, in the overwhelming influence of the executive government. This has impoverished the Provinces, beastified the people, and generated laws which are disgraceful to the age we live in. This, indeed, requires to be looked after, cut down, and new modelled. There is only one excuse, that I have heard of, for uniting the legislatures, viz. obtaining agreement as to duties levied at Quebec; and only one good appears on the face of the measure, viz. introducing the English as the prevailing language; both of which objects could be obtained while each province retained its local legislature. It has long been my opinion, that North American provinces would be best governed simply by an assembly and governor in council respectively, overruled as to higher matters by a congress or general council: and it would be a simple and easy change at the present time, to constitute such a congress, by withdrawing legislative councillors, who are appointed for life, from the local governments, and placing them, with some others, in congress, at the head of which should be the governor-in-chief.

In my opinion, all that part of the bill regarding duties is erroneous. It can answer none but bad purposes to interrupt the trade between the United States and Canada. Tea, and other India goods, which it might be for the interest of British trade to have excluded, are smuggled into Canada at the rate of nine parts in ten, and cannot be guarded against along such a line of boundary, while the free

ingress of grain, lumber, &c. would all go to increase our trade at Quebec, and tempt Americans to have payment in British manufactures free of duties, imposed by their own government. Duties levied at Quebec, and applied to undefined purposes in the Provinces, produce a bad effect, inasmuch as they lighten taxation upon land, which, of itself, would be a blessing in correcting the greatest evil—the bad state of property. It is a constitutional principle, that duties imposed by Britain for the regulation of commerce shall be left to the disposal of the Provincials: but duties may be imposed on the trade at Quebec, *provisionally*, for expenditure on the St. Lawrence navigation, a grand national object, and the improvement of which is essential to the welfare and security of the Canadas. The Canada Bill cannot be too fully discussed now that it is before Parliament; but, sir, before it is passed, the people of Canada should be consulted; and a much more important point would be, to make inquiry as to the disposal of public lands in the Provinces. Were these judiciously disposed of, Canada would yield a profit, after every charge of government was defrayed, and every penny due to sufferers in the late war, was liquidated. It would yield a profit to the home Government, while you and every proprietor of land, would see your property there quadrupled in less than four years. I speak from more reflection on the subject than it is probable any other person has bestowed upon it. I address you freely as a public man, and for public good, and, therefore, hope you will pardon such freedom.

I have the honour to be, &c.

ROBERT GOURLAY.

Edward Ellice, Esq. M.P.

Sir,

I shall be glad to see you at No. 1, New-street, Spring-gardens, on Monday next, at three o'clock, on the subject of your letter of the 8th instant, if it is convenient for you to take the trouble of calling there at that hour.

I am, Sir, &c.

EDWARD ELLICE,

Mr. Gourlay.

Friday, 12th July, 1822.

13, Clifton-street, 13th July, 1822.

Sir,

I shall with pleasure wait upon you on Monday next at three o'clock, in Spring-gardens, as you propose.

I am, &c.

ROBERT GOURLAY.

Edward Ellice, Esq.

(B. 25.)

13, Clifton-street, Finsbury, 10th July, 1822.

Sir,

Eight days ago, I perused the Canada Government and Trade Bill; and finding it almost one continued tissue of error, have since written to several members of Parliament, stating my opinions, and urging them to call, instead of this bill, for a commission to go out to Canada, to inquire into facts—to inquire how that country can be made profitable to this. For several days, I have been endeavouring to discover how you could be so deluded as to countenance such a bill. You must be strangely imposed upon—strangely misinformed. You have, surely, never glanced at the map of America, to consider the relative situation of Canada to the United States, or obtained any correct notion of the spirit of the people who inhabit the British Provinces. Sir, it is any thing but impertinence which induces me to use this free language. I write from an impulse which I cannot resist, and from an anxious desire to avert mischief. Your bill cannot pass without exciting in the minds of the Provincials extreme disgust, without risking their attachment to British connexion and British sovereignty. I am sorry, indeed, that it has been even printed. Government has not within its reach any measure which may redound more to honour and advantage—any measure so necessary as that which the pure spirit of liberality could now rear up in improving the connexion between this country and its American Provinces.

Lest these sentiments, or the mode of expression should not be agreeable to you, I forbear adding to offence, by being tedious. What I have written, discharges, in my mind, a duty; and if you only give credit for sincerity, I shall be so far gratified.

I have the honour to be, &c.

R. S. Wilmot, Esq. M.P.

ROBERT GOURLAY.

(B. 26.)

13, Clifton-street, Finsbury, 17th July, 1822.

Sir,

You are no doubt holding back my Petition till the most favourable opportunity for presenting shall occur; and that must now be very soon. This evening, I presume, the Canada Bill will be discussed. I have given it much consideration, and decidedly think it altogether wrong not only in its substance, but in the manner it is brought forward without the knowledge and acquiescence of the Provincials. My own ideas are embodied in the accompanying Petition, which I should be glad you would peruse, and I shall call again half an hour after delivery of this, lest you should incline to converse with me on the subject.

I am, Sir, with high respect,

Yours, &c.

Henry Brougham, Esq. M.P.

ROBERT GOURLAY.

(B. 27.)

13, *Clifton-street*, 26th July, 1822.

Sir,

Observing from the newspapers this morning, that ministers have moved for commissioners of inquiry to go out to the Mauritius, Cape of Good Hope, and Ceylon; and that you have proposed to add Trinidad, may I suggest that now the Canada Bill is dropped, (this was a mistake taken from the Traveller newspaper, of July 24,) you might propose what I have so long urged, a commission of inquiry into the state of North American Colonies. Wishing to converse with Mr. Brougham on this subject, I embodied my ideas in form of a Petition, and handed it to him. The opportunity for conversation being missed, Mr. B. presented the scroll and had it printed on the 18th instant. It is plain and to the point; and were you inclined to move on the subject, now that it is recorded, might form a ground work. Should you have any wish to converse with me as to this matter, I shall be happy to wait upon you at any time.

I am, Sir,

Joseph Hume, Esq.

With much respect,

ROBERT GOURLAY.

(B. 28.)

13, *Clifton-street*, Finsbury, 29th July, 1822.

Sir,

When I put into your hands, the beginning of April last, and asked you to present for me to the House of Commons, a Petition complaining of severe treatment under confinement at Niagara, in Upper Canada, and praying for inquiry and redress, I had little expectation that you would do more than merely present the Petition and get it printed. I had then hope that a general commission of inquiry into the state of the Province would be appointed; and in that case, that my printed Petition would be noticed. You manifested a desire beyond this to serve me, and engaged Mr. Brougham's attention to the business, which made me sanguine of his moving for the address to the Crown in my behalf. At Mr. Brougham's request, I drew up a more particular Petition, and this, corrected by himself, was considered good and sufficient. I now waited from day to day, and from week to week, constantly expecting that Mr. Brougham would present my Petition; and as its fate was to determine the most important event of my life, I waited with extreme anxiety. When the introduction of the Canada Bill was announced, I conceived that Mr. Brougham delayed presenting my Petition, till that question being agitated, should improve my chances of a favourable hearing. In all, however, I was disappointed. Mr. B. presented the Petition the 18th instant—said not a word on the subject to engage attention to it, and left town next day. The Canada Bill was since passed, and no general inquiry being moved, my case seems

now hopeless. Under these circumstances, I should be happy to have a short conversation with you; and after leaving this at your house, shall return at whatever hour you will be at home.

I have the honour to be, Sir,

Gen. Ferguson.

Yours, respectfully,

ROBERT GOURLAY.

(B. 29.)

Doncaster, 31st July, 1822.

Dear Sir,

Your letter of 29th instant reached me yesterday, having followed me from town to this place, where I am on my way to Scotland.

I understood from Mr. Brougham, that he had delayed for some time, at your request, to present your Petition to the House of Commons, and at late period of the session it was probably out of his power to forward any motion upon it.

I am convinced, however, from the manner in which he has expressed himself to me, that he is very sensible of the hardship of your case, and that he will be strongly disposed to bring the matter forward next sessions. Should I have it in my power to forward your views, it will give me great pleasure.

I remain, Dear Sir,

Robert Gourlay, Esq.

Your faithful humble servant,

R. C. FERGUSON.

(B. 30.)

13, Clifton-street, Finsbury, 2d Aug. 1822.

Sir,

In opposing the Canada Government and Trade Bill, and in getting its most objectionable clauses set aside for reference to the general will of the people to be governed, you have most assuredly prevented much mischief; and as one who feels a warm interest in the welfare of that country, I would beg leave to tender you my thanks. Since the too hasty measure of uniting the Legislatures was postponed, I have read an extract from Quebec newspapers which proves how offensive the too hasty proceeding in that measure would have been. Unfortunately, the grand essential is yet neglected—inquiry into the whole state of public affairs in Canada. From yesterday's newspapers, I observe that Mr. Hume proposed that ministers should send out a commission to inquire into the existing differences between the two Provinces respecting duties; but that is comparatively a matter of little importance, and will, no doubt, be speedily settled. The really important matter, especially as it concerns emigration, is the disposal of public lands. This is truly worthy of inquiry; and while there is yet a single day of business remaining, it would be well to have it noticed. The pressure upon farmers increases more and more, and the disposition to emi-

grate grows in proportion. I am frequently consulted on this subject—would willingly direct the current towards Canada; but as matters are managed there, the United States are out of sight, more desirable for settlement.

Excuse these hints, and believe me, Sir, with high respect,
Yours, &c.

Sir J. Mackintosh, Bart. M.P.

ROBERT GOURLAY.

(B. 31.)

13, Clifton-street, Finsbury, 2d August, 1822.

Sir,

Although I differed entirely from you respecting the Canada Government and Trade Bill, I have felt assured that your views were liberally directed, and conscious of my own good intentions towards Canada as a Province of Britain, I now address you frankly on the subject. I have pressed inquiry into the state of Upper Canada for four years—in the Province and at home—through good report and bad report; and to the very last day of the present session would leave no stone unturned to forward a measure which might be productive of infinite good. My great object for inquiry ever has regarded the disposal of public lands, and till this is properly seen to, no good can be expected of Canada. I had it in contemplation to become a Canada land-agent; I studied every circumstance connected with the business, and could see no hope of success till great changes were made—till a system of business was established in the room of patronage and favouritism. At the present time, I have applications from respectable farmers in Scotland and England, who think of emigrating, for advice: most willingly would I direct them to Canada; but as matters stand, there is no comparison between that country and the United States. In every respect the latter is at present to be preferred, but were full and fair inquiry instituted, it might speedily be very otherwise. The Government Bill now read a second time and ordered to be printed, for submission, I presume, to the Provincial Legislatures, may be of use; but were a Commission consisting of sensible business-men to be forthwith sent out to inquire into every particular which regards the political economy of the Provinces, then, indeed, we might expect to see something like permanent and substantial good effected. You have a deep interest in the issue. You seem to have the ear of ministers, and there is yet a day remaining of the session on which a commission of inquiry may be pled for. By pleading for that you might at once do infinite service to yourself and the public.—Pardon this liberty, and, believe me, Sir,

Respectfully yours,

Edward Ellice, Esq. M. P.

ROBERT GOURLAY.

(B. 32.)

13, Clifton-street, Finsbury, 2d August, 1822.

Sir,

I have observed from the newspapers of yesterday, that

you submitted to ministers the propriety of sending out Commissioners to Canada to inquire into the existing differences between Upper and Lower Canada. These differences are of trifling moment compared to some others which demand inquiry. The most important regards the disposal of public lands; and while there is still one day of the Session remaining on which business will be done, I cannot refrain from urging you to press for inquiry as to this. Within the last week, I have letters from respectable farmers in various quarters of England and Scotland, who are proposing to emigrate. Were matters right in Canada, most assuredly they would go there; as it is, I cannot possibly recommend them to prefer that country to the United States. You will excuse this liberty I trust, and believe me respectfully—

Yours, &c.

Joseph Hume, Esq.

ROBERT GOURLAY,

(B. 33.)

Sir,

I only received your note of the 2d here to day—of course too late, if I had been otherwise disposed to adopt the proposition you suggest. I know of no object which could be attained by the appointment of Commissioners to examine into the proceedings of the executive, either in Upper or Lower Canada. All requisite information is either here or can be obtained without subjecting this country to unnecessary expense, and it is unfortunately too late to recal any grants which I am disposed to agree with you, may have been made of land in both Provinces, without sufficient claims on the part of the grantees, or examination into the subject by Government.

My great object was to secure to the Canadas an independent legislature, which could have exercised, on the spot, a vigilant and *powerful* control over the affairs of the country; devise the most practicable plans for the improvement and the conveyance of emigrant settlers from this country, and pursue, as far as they were applicable to the habits of the people and existing circumstances, the means adopted by their neighbours in the state of New York, for opening roads and water communications between the different settlements, and the outlet of the great navigation of the country.

It is impracticable now:—it will be more so hereafter, to attempt to govern the Canadas in all the details which require so much local information and attention from this country. Your complaint is that of other persons, that sufficient attention is not paid in this respect. If a report was obtained from Commissioners confirming all your statements, do you really expect, even if circumstances should remain entangled, that an English Secretary of State will pay such attention to the care, or indeed, have time to undertake the local government of the country, as monthly dispatches from Downing-street?

My remedy was an independent legislature, freely chosen by the people, and acting, as I have no doubt they would do, with libe-

rality, and attention to the principles of improvement, from which alone their country could advance in happiness and prosperity. All interferences of the mother country in the internal concerns should be limited to cases of the strictest necessity, and our dominion over them should be more the effect of their own wish and desire, and depend rather on their claim of protection, than on any actual rights derived from the conquest, or which this or any other European nation have, in unison, sought to establish over their Foreign Colonies, after the connexion has been no longer desirable to the latter.

This is the principle alone on which I will again interfere in the cause of Canada, and, possibly, in the sequel, all parties may regret the liberal views of Government are not adopted when they are in the humour to entertain them.

I am, Sir, &c.

5th August, 1822.

E. ELLICE.

(B. 34.)

York-place, 5th August, 1822.

Sir,

I have received both your notes respecting Canada; and am sorry that at this time of the Session it is impossible to do any thing in the way you point out.

The measures which Government propose to adopt respecting Canada, in the next Session of Parliament, will bring the affairs of that Colony more before the House and the public, than has hitherto been done; and it will then be the proper time for any suggestions, regarding the granting of land, or any other subject which you consider of importance to the interests of the Colony.

I shall be glad to receive from you suggestions on that or any other subject in which you think I can beneficially interfere. In the mean time it would be extremely useful to obtain correct information as to the mode the United States dispose of the lands in the immediate vicinity of the Canadas, to show, as clearly as possible, the different practice followed by each country.

If you are in London in October or November, (by which time perhaps you will have obtained fuller information relative to the different subjects which will come under consideration, before the affairs of Canada are adjusted,) I shall be glad to see you for a short time on any Thursday morning you may call in York-place.

I am,

Yours, &c.

Mr. Robert Gourlay.

JOSEPH HUME.

(B. 35.)

*13, Clifton-street, Finsbury, London,
19th August, 1822.*

Dear Sir,

Your letter of 31st July, in reply to mine, desiring a conversation with you in Clarges-street, reached me in course. Had

I been so fortunate as to have had that conversation, I meant to have asked if it was still possible to have a motion made for inquiry into my case. You say that Mr. Brougham will be strongly disposed to bring the matter forward next session; but while the grass grows the horse starves. My Petition set forth that the judge was now in England who tried me at Niagara, together with two persons who were present at the trial, and who were willing to give evidence as to my situation, none of whom are likely to be forthcoming by a future occasion, even though I could hold out. The fact is, that my mind labours under a most unpleasant oppression from what occurred to me abroad, and till every stone is turned to get rid of it, I feel unhappy. My last shift was to write to the King, and desire a friend, now in Scotland, to get my letter handed to him. This day I have received a letter from my friend, saying, that he knows of no channel through which my letter can be presented, and that it is lying addressed to me till called for, at No. 14, Heriot-row. I had no idea till now, that, in this matter, I should have been disappointed—that there would have been difficulty in the case, and, distressed with the dilemma, have thought that you have repeatedly expressed a willingness to assist me, might still do so by getting my letter handed to the King. I shall annex a copy of it, that you may judge whether it contains any thing improper. I shall write to my friend, that I have made this application, and request him to converse with you on the subject. No doubt this will find you in Edinburgh; and while I trust that you will forgive this extraordinary liberty, you may be assured that your aid on this occasion will greatly oblige,

Your obedient servant,

Sir R. Ferguson, K. C. B.

ROBERT GOURLAY.

(B. 36.)

Same as (A. 8.) which see.

(B. 37.)

13, Clifton-street, Finsbury, 21st August, 1822.

Sir,

The day after his Majesty left this place for Scotland, I despatched a letter addressed to him, which I flattered myself might without difficulty be presented by some one attending court; but a friend to whose care the letter was sent, informed me, that he knew of no proper channel of communication. I then wrote to a gentleman of high rank in the army who had promised assistance, requesting his aid; but since my letter was despatched to Edinburgh, have learned that he will not be here at this time. I have now desired my friend to put my letter to the King under cover to you; and trust, that it may thus certainly reach the hand of His Majesty before he leaves Scotland. The object of the letter, viz. leave to return to

Upper Canada safe from arrest, is not of its own sake of much consequence. I am anxious to have this leave chiefly as a test of consequence by which my mind, burdened with a sense of injury, would be greatly relieved: I am anxious to have my request granted while His Majesty is yet in Scotland, and with that readiness which a British subject, cheated out of his highest privilege—protection under the right of natural allegiance, is entitled to expect. I shall accompany this with a copy of my letter to the King, and should be much gratified if you would direct a reply to be sent me, whether or not I am successful in this application, and in that to His Majesty.

I have the honour to be, Sir,

With all due respect, &c.

ROBERT GOURLAY.

Rt. Hon. Robert Peel.

Reply to the above, see (A. 8.)

13, Clifton-street, Finsbury, 2d Sept. 1822.

Sir,

Your letter, dated 29th August, has reached me this day, and I return you thanks for laying mine, committed to your care, before His Majesty. So soon as any determination is come to on the subject, I should be glad to be made acquainted with it by letter, directed for me, to the care of Messrs. Beckford and Rankin, 35, Abchurch-lane.

Six months ago, I had a Petition presented to the King in Council, by Mr. Richardson, Solicitor, Fludyer-street. Should you bear this in remembrance by next meeting of the Privy Council, you may add to the obligations now conferred, by calling attention to that Petition.

I have the honour to be, Sir,

With very high respect, yours, &c.

ROBERT GOURLAY.

Rt. Hon. Robert Peel.

(B. 38.)

Letter to Mr. Wilmot. See (A. 19.) and page 85.

(B. 39.)

*Berwick Farm, near Hindon, Wilts.
21st May, 1823.*

Sir,

You led to a belief, by insinuation, that the Emperor of Russia had a hand in his father's death, which was scarcely fair, even for the purpose of awakening the world to a manifest truth, that despots were conspiring against liberty, seeing that the accused was so far off. You did better in charging Mr. Canning with tergiversation; he did, perhaps, his best to show game on the occasion; and all was well when parties agreed to think no more of

it. Last summer you grievously disappointed me, and I have said you "*would betray me.*" I said so in a letter to Mr. Hume, April last, and I alluded to the same subject, writing to General Ferguson about the same time. I thus wrote for ease to my mind, labouring under gloomy reflections; and I tell you, because there is nothing I would hide. I am relieved by speaking out, and, relieved, I am perfectly willing to hold you excused, even if I was right, of which I cannot be positive. You shall judge yourself.—In the spring, 1822, I asked General Ferguson to present for me a Petition to Parliament; he was inclined to befriend me, and put the Petition into your hands, the better to insure success. You gave me hope, and that became sanguine: you shook hands; I altered the Petition to your liking, and you offered me a seat under the gallery when it was to be spoken to. I waited most anxiously for the occasion, and expectation was at the height, when the Canada Bill was to be discussed: I attended in the gallery—heard you speak on the beer question, and then saw you go off. Next day you left town, and I was informed by the morning papers, that my Petition had been presented by "*A MEMBER.*" The impression on my mind was, that you had become displeased with something on my part, and had thence wished to get quit of the concern.

I have now copied out a correspondence relating to the Petition in question, and subjects connected with it, to despatch to General Ferguson for submission to you if you desire it. From that correspondence, you may see how seriously intent I was on the fall of my Petition—how anxious I was, not on my own account only, but because of Canada,

In beating about after a reason for your conduct, I can find but one to guess at. In an unfortunate book of mine—the Statistical Account of Upper Canada, I have spoken lightly of your Education Bill, and on political subjects, I speak as I feel. Censuring your Education Bill, I had, nevertheless, the most profound respect for your talents; and can only say at this hour, that it remains matter of wonder how you could countenance what has been censured almost by every body. Destiny seems often to sport with great men—sent Charles the Twelfth to be laughed at among the Turks by silly women, and made Dr. Johnson, who could "*point a moral and adorn a tale,*" not unfrequently an old woman.—Sir, it would be a noble triumph for you over this mighty and capricious power, were you to throw your Education Bill in the fire, and immediately *digest* a new and simple one, which, I am sure, with your unrivalled eloquence may be passed this very Session, and be in operation all over England before Christmas. It cannot be out of character in a wise man to laugh over his own failings; nor is it so difficult as to repent of sins, which parsons would say is a chief end of existence.

I came to England, and took a farm, fifteen years ago, namely, for the purpose of studying the poor-law system. After five years, I saw that education was the first requisite for reform, and drew up a Petition to Parliament in favour of it; this Petition was approved of by your excellent friend Mr. Horner, but it came to nothing.—Now, a pauper in the parish where once I farmed, I have refitted the Pe-

tion for education to my fellow-paupers ; sent it off to the care of Mr. Grey Bennet, and written in its behalf to Mr. Wilberforce. Nothing would delight me more than to see you an advocate for the prayer of my Petition ; and sinking every other consideration I ask you frankly to plead for it—to pay your debts to me by lending to the poor in general. The Petition, after recapitulating what was laid before both Houses of Parliament eight years ago, concludes thus :—(see A. 9, and page 42.)

May I hope that this extract will induce you to read the whole, which you can have either from Mr. Bennet or Mr. Wilberforce, to whom I have communicated some of my ideas as to schools.

I have committed to Mr. Hume's care another Petition, which I requested him to show you ; and my wish is, that both may be presented on the same day, because they aim at the same object—bettering the condition of the poor. That for education is a record of my early endeavours in the cause ; the other (A. 11) gives proof that I am true to it even at the *last shift*. I was placed in the predicament of a pauper by a joint influence—a melancholy dispensation of Providence, if I may so speak, and an affection of the mind. And, at this time there is, perhaps, no man alive so critically situated as myself—one whose fate is so dark—one who dreads mere evil less, or who has a greater desire of accomplishing a mighty good.

The limits of a letter admit not of much prosing ; but I would be glad if a hint could originate serious reflections in a mind like yours, so capable of maturing thought. The world is threatened with subjugation by the organized strength of the Holy Alliance ; and it is a puzzle to determine whether you or ministers are right as to assisting or not assisting Spain : but this I would confidently say, that if we made all right at home—put down petty tyrannies and exalted the character of the peasantry :—If we, at home, laid a solid foundation for truth, and justice, and liberality, despotism would never make head against us, while the world would speedily profit by our example, and shake off, in due time, every incumbrance. At this moment, the peasantry of England, are oppressed beyond any on earth, and if you will plead in their favour—plead for and obtain a commission to examine into the truth—a commission to visit the parish of Wily : the object of my Petition, in the hands of Mr. Hume, more especially if you make one of the commission. I am very certain you will acknowledge the truth of what I say.

I have to add but a very few words on another subject. The Canada Government and Trade Bill, laid before Parliament, by Mr. Wilmot, last session, was monstrous, both in its spirit and letter. I drew out a paper in the form of a Petition, as a mere set off against its monstrosity : and as a text for conversation with you. I missed the conversation. You presented the paper, and it is printed in the journals as a Petition, (A. 7,) all well. We shall, I expect, hear, some of these days, from Canada, of the rejection even of the more modest proposal sent out for the approval of the Colonial Legislatures, and you will then have opportunity to come forth on Colonial policy. There is but one principle, in my humble

opinion, which can long rule Colonies in these enlightened days—common *interest*, guided by common sense: let us, as speedily as possible, withdraw from interference with the internal government of Colonies, and connect the whole together only by the British navy, manned with honest tars—only with honour and courage, leaving out entirely patronage and favour—and greatly circumscribing the power of court appointed governors. Looking over the map of the world, and considering what may be made of the vast possessions now beneath British rule, can there be doubt that by *virtuous government*, the whole human race may be made British subjects?

With all due respect,

Yours, &c.

Henry Brougham, Esq. M.P.

ROBERT GOURLAY.

(B. 40.)

Berwick-farm, near Hindon, Wilts, 22d May, 1823.

Sir,

I lived three years in the same house with your uncle James, and when you write to India, shall be happy to be remembered to him. My father was intimate with yours, and I have had the honour of conversing with General Wemyss, at Wemyss-castle, and elsewhere. I was born with the expectation of being a Fife laird; now, I am a pauper, and have been cracking flints for a livelihood. The most remarkable thing of all is, that you, the Member of Parliament for my native county, should have been put in commission to run me down.

When an assassin made offer to Charles Fox to rid the world of Bonaparte, he was allowed quietly to depart; but our honest minister informed the French Ruler of the occurrence. I discovered from a Scotch newspaper, in the spring of 1822, that a charge had been brought against the county of Fife, for money paid away "*to watch the motions of Mr. Gourlay, and hold correspondence with the County Member thereanent.*" I had been *watched* for more than a dozen years, because of my political principles—undermined in my father's affections by base slanderers—hunted down at home and abroad by the spirit of persecution; and worried even in the private recesses of friendship; but this newspaper record gave the loudest tongue; and to perpetuate the record, I had it engrossed in a petition to the House of Commons, which was presented by Mr. Brougham, the 18th July, 1822; and under that date you may find it in the journals, with a challenge for you, your correspondent, or the world, to bring forward the slightest evidence against my loyalty, &c.

I have lately expressed a wish, in a letter to Mr. Wilmot, the Under-secretary of the Colonial Department, to have opportunity to lay before the House of Commons, not only a statement of grievances experienced by me in Upper Canada, but an exposé of the weakness and wickedness of the Provincial Government. I have also, this week, despatched two petitions to be presented to Parliament tomorrow by Mr. Hume and Mr. Grey Bennet, in behalf of myself

and fellow-paupers. With so much business on hand, I should be glad to be assisted; and if you would lay before Parliament the correspondence with the department of *espionage* in Cupar of Fife, I think, should profit by it.

I cannot believe that you countenanced any thing of the kind; but if you did, unwillingly, I should be glad, for the honour of Fife-shire, that you got quit of the stigma by plain confession, and a little *well-timed daffin*.

I am, &c.

ROBERT GOURLAY.

James Wemyss, Esq. M.P.

(B. 41.)

Clifton-street, Finsbury, 3d December, 1823.

Sir,

London newspapers, of 20th of March last, reported that Mr. Hume had, the preceding day, complained in the House of Commons, as to ill usage experienced by me in Upper Canada; and that you had offered to refute any specific charge which might be made on the subject.

As soon as this report was perused by me in the country, I wrote a letter to you, dated 28th March, saying "*I shall be happy to have fair opportunity to lay before the House of Commons, not only a statement of grievances, but an exposé of the weakness and wickedness of the provincial government, defying, Sir, your refutation;*" and, for public reference, this letter was printed in the *Globe* and *Traveller*. I wrote to Mr. Hume, offering to attend in London, as soon as occasion required; but did not move, expecting that deputies would arrive from Canada, to call the attention of Parliament to Colonial affairs, being assured that your government bill, sent out last year, would not be approved of. I waited week after week, and at last, coming to town at the close of the session, found that deputies had actually come home from Canada; but that they had conferred only in private with ministers on the business of their mission, and had not even been heard of in public. I was thus disappointed of submitting charges to the House of Commons; but shall be ready with them by next meeting of Parliament, when Canadian affairs are likely to have serious consideration.

I now address you, from having seen your examination before the select committee on the employment of the poor of Ireland.

This committee, speaking of your experiment for emigration, then about to be tried, "*cannot but express their approbation of the principles on which it has been conducted, and their hope that it may lead to satisfactory results.*" Sir, the *principles* of your experiment are completely wrong; they are wasteful to the nation, and can secure no great, lasting, and beneficial results. This flat contradiction to the opinion of the select committee I am more willing immediately to convey to you, from having seen, in the *Courier* of this day, a flattering account of the success of your experiment reported from

Upper Canada, and an assurance that Government will proceed next year to encourage emigration on the same principle: this, too, the very day after we have had laid before us a Yankee proposal for the purchase of the Canadas !!

Sir, the subject of emigration and settlement in the wastes of nature is a mighty one: the most important, perhaps, which can engage the attention of mankind, and especially of the British nation at the present crisis. We, Sir, are, at this moment, the holders of the greatest extent of *terra firma* of which any people could ever boast. The Roman empire was comparatively small to the British. We have, indeed, but to look to the map of the world, and exult in the vast superiority. At this moment war is suspended; but we have still to fear lest the ambition and jealousy of despots shall stir up strife, and usher in a fresh series of rapine and confusion. At this moment, Britain could adopt a policy which, while it secured to her lasting peace and prosperity, would gain for her, in time, the empire of the world—not its conquest by the sword, but its surer subjugation by bonds of interest, admiration and love. She could effect this by the gradual establishment of free trade, in unison with a grand system of emigration and the reform of the poor laws.

The subject of emigration and settlement has never yet been understood, though it is capable of being reduced to a science. Citizens of America, who have had most to do with it, and whose interests are most nearly concerned, are ignorant of its principles, and through ignorance of these, go on to weaken and barbarize their country. You, then, need not be too much abashed, to have your errors proclaimed—you, nor your eulogists, the select committee of the House of Commons. William Penn had the best chance of any individual, to lay the foundation of a correct system of emigration and settlement. He had the Royal favour, and obtained an extensive grant of land in America, the best fitted for his purpose. He was calculating, steady, zealous:—he had a sufficiency of money, and Quakers for companions in adventure—the most peaceable, orderly, and industrious of men: yet William Penn, for want of proper arrangement, was driven mad with the confusion of his schemes, and the discord of his settlers.

Lord Selkirk was the first to discover that emigration might be encouraged with safety and advantage to the nation—the first to disprove and dispel the narrow notions which long prevailed against it. He devoted his mind, his bodily exertions, and his fortune, for many years, to establish a regular system, but he began with blunders: proceeded in the midst of error—recorded his want of knowledge, and died defeated, disheartened, and despairing. A third individual need only be named, who has failed, and created misery from ill-digested plans of emigration—The Cacique of Poyais.

All these individuals were ignorant of principles which should govern, and which should be well understood before an acre is measured out for settlement, or a single individual decoyed from home to possess it. I, Sir, was led seriously to think of emigration eight years ago. Precisely eight years ago, with a wife and five children to provide for, I found myself in jeopardy instantaneously thrust

down from the hope of independent fortune, and thought of asylum abroad. The world was all before me, and fate directed to Upper Canada. Sir, I witnessed the first experiment of the British government to relieve distress at home, by settlement in the wilderness; and no sooner saw than discovered gross errors in principle, and grosser errors in practice. There I began to reflect on what were sound principles, and what practice could be built upon these for good. Six years ago, I determined, in my mind, that 50,000 people could, by the adoption of a proper system of emigration, be annually removed from this country to the colonies, with comfort to individuals and profit to the nation. This opinion was communicated to Lord Bathurst, in confidence that he would give it liberal hearing; but in him I was wofully disappointed, and ever since, for upwards of five years, my liberal principles and extended views have obtained for me nothing but neglect. I, Sir, construe every passing event for good, and look to misfortune, disappointment, and torment as the price which must be paid for all that is excellent: or, rather, I believe them the necessary preparatives for that temper and disposition which alone can succeed in adventure. I doubt not, indeed, the Scripture promise, that we shall reap if we faint not. I hope that provoking you in this day of your vain glory—this day that accounts are published of the success of your experiment in Canada, applauded as being right in principle by a Parliamentary committee—I am sanguine of good, even by telling you this day, that with regard to sound principles of emigration, you are as blind as a mole. I am, indeed, confident that it would be better for England to dispose of Canada for an old song, than to lay out another sixpence in promoting emigration on *your principles*.

ROBERT GOURLAY.

Robert Wilmot Horton, Esq.

Here ends what was contained in the packet lodged with Sir Ronald Ferguson.

(B. 42.)

CORRESPONDENCE WITH MR. HUME. &c.

No. 1.

*Berwick Farm, near Hindon, Wilts,
1st April, 1823.*

Sir,

After seeing in a newspaper* that you had spoken to Parliament of my ill-usage in Canada, and that Mr. Wilmot had challenged you to produce specific charges, offering to refute them, I lost no time in relieving you of responsibility, and challenging Mr. Wilmot on my own part. I hope you will advance my offer; and depend upon it I shall shrink from nothing.

My letter was hurriedly written, and still more hurriedly I despatched a copy of it to Mr. * * * * * for publication, if he thought proper. Nothing can save me but exposure and notoriety; and before a generous British Public I will not fear. I shall subjoin a copy of my letter to Mr. Wilmot, (see page 85,) and if you would read it to the House, the first convenient opportunity after the recess, things would look well for an onset. If occasion requires, I shall attend in London. Though a pauper, I am not entirely without friends to defray my charges there, if on serious business; and I am now, happily, in health.

From one newspaper (below), I observe that Mr. G. Bennet had come forward in defence of Sir Peregrine Maitland: but I wish to make no charge directly against him individually. I was frank and polite both to him and the Duke of Richmond till they treated me ill, and till I found the poor creatures of the province falling down to worship them. I then, on principle as a political writer, showed them off as weak and selfish men;—on a principle which has go-

* HOUSE OF COMMONS, WEDNESDAY, MARCH 19, 1823.

"Mr. Hume did not mean to oppose the motion, but objected to the charges for the Colonies as excessive. He also wished to direct the attention of the House to the statements of Mr. Gourlay, because, from other sources, he learned they were entitled to consideration, * * *. In mentioning the name of Mr. Gourlay, he had not been influenced by that gentleman's politics: Mr. Gourlay may have been a troublesome man in Canada, but that was no reason why he should have been expelled. He had no hesitation in saying that Mr. G. had been removed unjustly; that removal had occasioned his ruin, and it had been merely because he had held liberal opinions with respect to the defence of Canada; he thought that the sooner this country gave it a free constitution, and enabled it to defend itself, the better it would be for both.

"Mr. G. Bennet said that he knew the Governor of Upper Canada, and he believed a more disinterested man did not exist.

"Mr. Wilmot said that he did not think Mr. Gourlay had been severely used: and if the Honourable Member chose to bring the subject before the House, he pledged himself to prove that Mr. G. had no reason to complain."

Newspaper Report.

verned my pen for many years. I know the law of honour—the code of gentlemen, and was bred as strictly to this as either the Peer or the Knight Companion of the Bath; but there is honour, and a code to which I adhere, when public good and politics are concerned, entitled to preference. I fear no man, either in body or soul; and my conduct in Canada was pure to the bottom. I could have been received in the United States with open arms while my principles were misconceived. I was, indeed, accidentally discovered in a large public company in New England, cheered, honoured, and offered, by a member of Congress, a seat on the floor of that house (as Lord Selkirk had) should I go to Washington: but I openly declared that I believed there was a mistake as to my proceedings in Canada,—that I was hostile, not to the government, but to its administration. This is still my declaration and my principle. I had then been at New York, despatching orders to England for winding up my affairs, in hope of a friendly reception from the Governor of Canada: but on returning into the Province, I found myself libelled by Sir P. Maitland on opening Parliament, and aided by the *serviles* of the assembly. Afterwards the Duke of Richmond and his son-in-law allowed me to lay in jail, while every man of feeling abhorred the conduct of those who had flung me into it. The governors passed through Niagara after I had been seven months confined there:—when I was shut up from free communication, stifled with heat, and exasperated with base tyranny. They passed by my prison, but deigned not to look in. I doubt not but they gave orders for all the cruel treatment I experienced, but my charge cannot be direct; no; it requires inquiry; and if ever Parliamentary inquiry in support of the rights of a British subject was required, my case and Canada requires it. I have been ruined in every way—in health, reputation, credit, and estate, by the abuse of power in Canada, while British rule has been detested and disgraced.

Mr. Wilmot, I observe, has spoken of my book. That book was composed while I was in a fever, and wholly distorted in its arrangement by grievous occurrences, on its progress through the press. Before it came out, I was in a state of distraction, which will be best read in my letter to the Lord Chancellor. The first volume was intended for separate publication, but the greatest misfortune of my life disabled me from sending it forth, till it appeared a year afterwards with others, which at first were not contemplated, and which were produced by a mere series of impulses. It was a most unfortunate publication: yet it exhibits some things in a way which, but for the circumstances which produced it, might have lain hid—things well worthy of notice. In making charges against Government, I may refer to this book; but would by no means rest upon it.

I trust, Sir, you will stick to the subject of colonial inquiry. Colonial abomination is the ripest of all for dissection. Church government will not do to be cut up for ten years yet. Stick to the Colonies, and chiefly to those of North America; for there abuses are extreme, and the means of improvement most palpable. Though now a pauper, I was liberally bred to farming, and shall give John Bull a hundred thousand pounds a-year for his part of North

America, on a twenty-one years' lease, while I save him half a million annually in customary maintenance and repairs.—*Hoot awa man ;— its a' true.*

Respectfully and faithfully, yours, &c.

ROBERT GOURLAY.

Joseph Hume, Esq. M.P.

No. 2.

Berwick-farm, 3d April, 1823.

Sir,

The accompanying letter, dated *first April*, was flung aside that day and reviewed the next. Observing that Fool's day was at top, and something like foolery at the bottom; remembering, too, a saying of Napoleon, that "*from the sublime to the ridiculous is but a step*," I judged it prudent not to despatch my epistle till it had a second as surety; and here it is. I now wish gravely to call attention to the last paragraph of my letter, and to the fact that British North America could yield a revenue to the Mother Country clear of all cost of maintenance. This fact I was convinced of five years ago; and then, writing in the Canada Newspapers, I threw out a proposal like to that which I now make, of taking a lease of the province. This was copied into many of the American papers, and I believe, even into some of this country, under the head "A GREAT OFFER;" but beyond exciting a smile, it probably left no impression; and I remember that, conversing with you on colonial policy, you seemed to have your mind made up on the subject, and did, indeed, say that a colony could produce *no* revenue. You will acknowledge, at least, that the question is interesting and important. You would, I think, come over to my opinion, did you once fully inquire into it; and, being convinced, I am sure your liberality would induce you to exert your superior talents for practical completion. Had the unfortunate publication spoken of in my other letter gone on smoothly and been completed, it was my intention to have illustrated and proved this position: and, thinking my ideas original, I was, and am more anxious to bring them into public notice. They not only go to the aggrandizement of the British empire, but to the establishment of a new and improved state of society. Mankind have, from the beginning, struggled against arbitrary power; they have philosophised on the principles of government; they have fought again and again for religion, which never should be fought for; they have done that which they should not have done, and left undone what it was the greatest consequence to do. They should have studied the influence of property on the character and fate of man; they should have fought for its good arrangement. In the old world property has been monopolized by established power, and its influence directed against virtue, which it might be made to prop and protect. To re-arrange property in the old world, would be an arduous, if not hopeless task; and were the plans of Mr. Owen even right in principle, it would be vain in our time to think of their execution on this side of the Atlantic. In America, the right arrangement of property, I mean landed

property, on its first settlement, is a very different thing. It is not only possible so to arrange in this case, as at once to stamp upon land high value, but to give to every operation in the process of its settlement, the very best effect,—to make this process instrumental both to the increase of physical and moral good. It would be wrong to attempt any thing beyond a hint at present; but I trust this may arrest attention. In America the mischief of not attending to the right arrangement of landed property has been infinite—wasteful, demoralizing, melancholy. Before Britain lost the best part of that country, the patronage of governors executed the mischief; and up to this day, the United States government, though it has improved in the science of settlement, is yet wholly in the dark regarding its grand principles, while our provincial governments are going on to weaken and brutify in every quarter—in Canada, the Cape, New Holland, and Van Dieman's Land. In Upper Canada, the system of patronage was most damning and audacious, because there the land was naturally the most fertile. I discovered the villany, raised the halloo against the foxes of the wilderness, and had some of their earths stopt; but still they run at large, and should be hunted down. I have observed from a newspaper that you had adverted to the *fees* exacted in Canada for land grants, and that is a proper subject for inquiry. Sir Peregrine Maitland raised the *fees* upon pretence that land was rising in value, when, in fact, it was on the decline, from a trifle to an amount little short of the PRICE charged by the United States' government. It would be very proper, indeed, to ascertain how much land has been granted, and what amount of fees have been received; but my most anxious wish is to see an entire new system introduced, and I do offer frankly to stake my whole credit in this business on a report which I shall draw out, to lay before Parliament, on the subject of settlement, if required, after colonial inquiry is seriously instituted. I have no little personal pique to gratify against governors. Let their iniquities be blotted out up to the present day; and to-morrow let a new system of settlement commence—a system studied and matured, having in view at once the aggrandizement of Britain, the security of the Colonies, and the happiness of mankind. It will require from you an effort to attach importance to “the mighty daring” of a *pauper*; and it may be difficult to overcome prejudices in Parliament against me and my plans; but, looking back to the grave hearing which Mr. Owen's plan obtained, I am entitled to hope. In the parish where I now rank with labourers, I occupied a farm for seven years, and challenged the country round me for forty miles to a contest in farm management; nor could it be called boast, for not only had I serious reason for doing this, but my opportunities of being skilled in agriculture had gone beyond those of almost any other individual; and to say nothing of my own conduct, that of my servants was exemplary in the extreme. My misfortunes were unavoidable; and, in the lowest grade of society, I have not misbehaved. After Columbus discovered America, his fellow-voyagers could not see the merit of sailing westward; and, till within the last seven years, landed gentlemen kept on a continual bungle in road-making, now from Edinburgh to Plymouth made plain and easy by

M^r Adam. It appears to me that British America may yield a revenue instead of costing half a million annually; and if you stick to the subject of colonial inquiry, I shall be sanguine of the fact being established. Satisfactory inquiry cannot be made, I am convinced, unless a commission is appointed to go out from this country to Canada fully empowered. Attending debates in Parliament last session on the Canada Government and Trade Bill, I had opportunity of witnessing the extreme indifference which prevailed in the House on the subject; and the Bill itself remains the strongest proof of the thorough ignorance of Ministers as to it. A Petition written out by me in opposition to the Bill, and accidentally presented and printed, was sent out and published in Canada last autumn. A correspondent writing to me from Canada, adverting to my proposal of offering independence to the Colonies after a given period of years says, "*There is not the least hope of a commission coming home from this country to sue for any thing that speaks of independence;*" and the reason is obvious. While Britain sends out half a million of money to North America annually to pay the expenses of government and protection, we cannot suppose that the colonists will readily desire to have the donation withdrawn. But we should look to it another way. We should watch the time that colonies are fully fledged; we should feed them up to that time, and then peck the lazy devils out of the nest even for their own sakes. Robin-red-breast, the sprightliest of birds, would never fly about and provide for himself if not forced to it by necessity. It will indeed be merciful to our American colonies to make them free and independent in good time; otherwise they must infallibly be pounced upon and devoured by the eagle of the United States.

I have the honour to be, Sir,

Most respectfully, yours,

ROBERT GOURLAY.

Joseph Hume, Esq. M.P.

No. 3.

*House of Correction, Cold-bath-fields,
March 17, 1825.*

Sir,

I have this day read your speech on the Canada question* wherein you say that, with a reformed Parliament, you would impeach Lord Bathurst. Truly, you yourself deserve impeachment, and I shall proceed, even without parliamentary reform, to show cause.

* SALE OF WASTE LANDS IN UPPER CANADA.

Mr. Wilmot Horton rose to bring forward his measure for the incorporation of a company for buying up the waste lands in Upper Canada, of which he had given notice on a former night. He proceeded to explain shortly the outlines of the Bill, postponing, to another stage, the more particular details. The great object was to encourage, by all means, the introduction of capital into the colony; and, in the pursuit of that, it was proposed to sell the waste lands in Canada to an Incorporated Company, under such restrictions and with such qualifications as would guard against abuse in the re-sale of these lands to emigrant settlers. Another object was to create, from the proceeds of such sales to the Company, a fund which might be made applicable to the

In February, 1822, I entrusted to your care a petition (A 5) regarding Canada, which, had it been done justice to, would have ele-

discharge of the necessary expenses of the colony, and thus rid the mother country of that annual charge which had so often provoked the observations of the Honourable Member for Aberdeen (Mr. Hume). Necessarily incidental, but secondary, however, was the encouragement of emigration and the promotion of colonization. The grand result of which might be confidently anticipated from the successful attainments of these several objects, would be a great extension of cultivation in that immense and unoccupied territory; and an improvement of the interests of the colony generally. Upon the first point he believed there would be but little doubt, and he should, therefore, assume that it was beneficial to the colony to encourage the introduction of capital there: With respect to the second, the measure would be found to contain all the necessary securities and guards against any tendency which this Company might have to monopoly of all the unoccupied lands of Upper Canada. The project was, that the Company were to appoint two commissioners, the Crown two more: these together, to appoint other commissioners, who were arbiters in all doubtful cases, and the value of the land to be adjudged by a standard derived from the average value of similar descriptions of land in particular districts. The plan thus sketched out, had been actually carried into execution. Commissioners duly appointed had gone out, but the time was too short as yet to receive any accounts from them. On the appropriation of the proceeds he should state, generally, that £20,000 were to be set aside for the necessary expenses of the colony for fifty years; and the surplus, if any, was to accumulate for such purposes as would most beneficially enhance the interests of the settlements. The same reserve for the clergy would be made in the new transfers as already prevailed in other parts. Every facility and encouragement would be, of course, extended to persons desirous of emigrating. A royal charter had already been applied for, and the present measure was in order to arrange the details. Having thus given the general outline, he concluded by moving for leave to bring in the bill.

Mr. William Smith approved of the principle of this measure, but wished to know whether in the allotments to be made, care had been taken that no injury was sustained by the Indians bordering upon these waste lands. Some circumstances of oppression in New Brunswick and Nova Scotia had lately been disclosed, but he hoped that limitations had been devised to guard against similar injustice in other cases.

Mr. W. Horton undertook to state confidently that there was no such danger.

Mr. Hume did not object to the bill. On the contrary, he regretted that it had not been brought forward long ago. It was now five years since he had called the attention of the Colonial Government to the abuses practised in the colonies, but the predecessor of the Honourable Gentleman turned a deaf ear to all his representations. He (Mr. Hume) then stated, that such was the system carried on in Upper Canada, particularly that the emigrants could not avail themselves of the grants of waste land. Since then, he had provided himself with an official document (which he did not then possess) and which placed these abuses in a strong light. This was a report from the colonial legislature with respect to these waste lands, and it stated that out of 39,000 emigrants who were sent out of this country, or had gone out at their own expense, in the years 1817, 18, 19, and 20, only 100 families had found refuge in the colony. The remainder had gone to the United States, or returned to this country. He hoped that the system would be terminated by this Bill. In fact, the pruning-knife was wanted to the whole system of colonial policy. The manner in which it was conducted reflected disgrace on those who were at the head of that department. Its mismanagement was not confined to the Canadas alone. He did not hesitate to say, that of all the public departments, the colonial was the most inefficient in this country, for the last fourteen years. He wished he had the power, and certainly if he had to deal with a reformed House of Commons, he should impeach Lord Bathurst for breaches and neglect of duty, and move an address to the King for his immediate removal from office. What he now said was not in heat, but considerably, and from the practices which he saw carried on under the eyes of the Noble Lord. His observations applied not to Canada alone, but to the Ionian Islands, the Cape of Good Hope, put together. The transactions at all these places called for an immediate inquiry into the whole system. With respect to the Cape, he never would be quiet in the House whilst he saw Lord Bathurst winking at the transportation of British subjects from thence by

vated you, supported me, and done good unspeakable. I gave you a book which the *Morning Chronicle* called "the best *Account of any*

Lord Charles Somerset, under circumstances of the greatest tyranny. So strongly did he view that subject, that he took shame to himself that he had not before brought it before the house. Gentlemen were not aware how much persons living at distant colonies were at the mercy of the local governments. It was a subject, therefore, claiming the greatest attention from the Legislature, and he should consider it the greatest benefit he could bestow upon the colonies, and the country generally, if he could prevail upon this House to address the King to remove Lord Bathurst from a situation which he had filled so long and so inefficiently. The Honourable Member then proceeded to point out the exactions and abuses which prevailed in the letting of lands. He denounced the whole system of fees as alike ill advised and peculatory. Upon a sale of 300 acres of land, the fees alone were upwards of £ 30, all of which went into the pockets of individuals. How long, he asked, was this system to continue? If the object was, in fact, what it was pretended to be, the encouragement of emigration, why did they not, in imitation of the United States, open offices for the sale of lands, abolish all unjust and vexatious fees, and arrange matters so that a man coming to buy a lot of ground might know to a shilling what the actual expense would be? Some reduction, he understood, had lately been made in these fees, but why was it not made long ago?—It was shameful. Government pretended that they wanted the colony to support itself; if so, why did they not deal with the settlers as the United States did?—This Bill was calculated to favour the introduction of capital into Canada, but consequences might arise from it which were not possibly foreseen. He had not yet heard clearly whether this grant of lands did not amount to a monopoly of all the waste lands in Canada to the Company. If such were the case, he looked upon the whole scheme as a delusion. Let the Company be invested with the lands at 2s. 6d. 3s. or whatever the price might be the acre, and allow them to dole it out in small parcels, and instead of removing the difficulties to obtaining land, you double and treble them on emigrants. This was a delicate question, and he had heard some declare, that the giving the Company a monopoly would be the ruin of the Colony. In such a case, it was much to be desired that this House had been consulted before any arrangement were entered into. He wished also to have some certain information as to whether reserved provision for the clergy had been made?

Mr. A. Baring wished to know whether this Bill was intended to originate a power in the Crown to dispose of these lands, or whether it was only to carry into effect the details of a grant already made?

Mr. Maurice Fitzgerald was anxious to set the Honourable Member for Aberdeen right, as to a statement which he had made respecting the Colonial Government. He understood the Honourable Member to state that the abuses of which he complained in that department still existed. This he (Mr. Fitzgerald) could, from his own experience, contradict. Being upon a committee connected with colonial purposes, he had the means of knowing that many of the abuses had been reformed, and that many of the settlers, sent out at the expense of Government, had expressed their gratitude for the way in which they were treated. Many of these had emigrated from the South of Ireland, and in the letters to their friends they bore testimony to the accommodation which had been provided for them. Their claims had been referred to an agent of great ability and integrity, and in every case they were pleased with his decisions. The Honourable Member might therefore be assured that the abuses no longer existed.

Mr. Gordon rose to repel some of the animadversions which the Honourable Member for Aberdeen had directed against the Noble Lord at the head of the Colonial Department. He could not help considering the use of strong or harsh language as peculiarly unseasonable, when the Honourable Member admitted that he had no objection to the proposition of the Honourable Secretary (Mr. Horton). The main ground of charge seemed to be, that the measures now proposed had not been adopted years ago, but possibly want of capital or want of spirit of adventure might have prevented their application before (*hear*). As to the observations respecting the appointments of colonial governors, that was a Cabinet measure, and Lord Bathurst was not singly answerable. He (Mr. G.) would undertake to say, that in the smaller details of the Colonial Office, a strict scrutiny was resorted to, in order to ascertain the characters of all the servants of Government sent out to the colonies.

Country," which you said, in the House of Commons, was "*a very good book;*" and which was certainly sufficient to prepare you for

Mr. Bright heartily approved of the principle of the measure, as he became daily more convinced of the necessity of increasing the population of Canada. He hoped, however, that nothing had been done without the concurrence of the Colonial Legislature: otherwise this measure must fail to be extensively effective. A monopoly, also, would defeat all the purposes of increased population. This point he strongly urged, and he suggested that the £20,000, which it was proposed to apply to the expenses of government, should rather be laid out in adding to the facilities of emigration.

Mr. A. Baring begged to say a few words upon this question, which, viewed in whatever way it might, appeared to him to demand the most serious consideration. The probable future state of the Canadas, and the certain influence which the present measure would have in accelerating that state, was a serious question at this moment. Of all the vast tracts which we once possessed in the northern half of the New World, this was the only remaining colony. The increase of population, the accession of wealth, and the importance derived from increased knowledge, has enabled the United States to separate themselves successfully from this country; and as the measure now proposed was calculated to bestow all these advantages upon Canada, it was quite certain that it must, in time, follow the example of the other states. It was not in the nature of things that one state should be the colony of another, the productions of both being alike. Canada was an agricultural country, and could not, therefore, be subject to any northern country of Europe. It was, therefore, a question whether the interest and dignity of this country would not be well advanced by giving to the settlers of Canada that independence by grace and favour, which they will, undoubtedly, come one day to claim by force (*hear*). If all the difficulties of retaining this place were well considered, this consideration would not be entirely without its weight. Canada is a narrow strip of land, extending 1,500 miles along the territories of the most enterprising people in this world. A strong tendency to union with the United States might be calculated upon on the part of the settlers. A concession now would place a tie for ever upon their gratitude, whereas, on the other hand, their feelings will be excited to hatred, should they enforce their independence. Great commercial advantages might be secured. He doubted whether the fair objects of emigration would be best secured through the agency of a joint stock company.

Mr. Horton explained, that the promotion of colonization was a collateral object to this measure. There were other measures applying to that object.

Mr. Baring proceeded to contend that the most effectual way to encourage emigration would be by selling the land in the same way as the government of the United States sold it. Next to Ireland, the situation of Canada was the most important which could be discussed.

Mr. Robertson said that we were always vulnerable to the United States through the sides of Canada, and we should never engage in a war unconnected with North America.

Mr. W. Horton, in reply, said that there was still an infinite extent of fertile land in Canada, sufficient to absorb emigration to any extent, exclusive of the tracts which this company could purchase. He denied that this would be a greater monopoly, than if a private individual had become the purchaser, and he knew of no other way of introducing capital into the country. Five-sevenths of the lands in Canada were in the hands of private individuals at present, and it was not possible for all the power of this country to establish a monopoly. This sort of system of purchase was one which was contemplated by government. As to what the Honourable Member for Aberdeen said of emigration, it was capital that was wanted in Canada. In America, labour was wanted. With respect to what was said of the Colonial Department, he thought that it was the duty of the honourable member to make a clear and distinct accusation.

Mr. Hume. Have I not done it?—

Mr. Wilmot Horton. What right had the Honourable Gentleman to speak generally of banishment from the Cape of Good Hope by the Governor of that colony?—And what right had he to make such charges on those at the head of the Colonial Department at home?

Mr. Hume.—Have they not continued the governor?

Mr. Wilmot Horton could not conceive on what authority the Honourable Gentleman

speaking on Canadian affairs; but because Mr. Brougham proposed "*delay*," you trifled with the subject, and all was lost. In April, 1823, you spoke of my ill-usage in Canada. Mr. Wilmot challenged specific charges. I instantly accepted the challenge by letter to Mr. Wilmot, which was published, and of which you had a copy; yet nothing was done. In July following, I asked you to present for me a petition at an important moment of my fate, but this you refused to do; and last June, after promising to present one put into your hands, you left me to be insulted by mad doctors—to be a second time arrested, and to an abode among felons. Tell me, now, who is most worthy of impeachment—you or Lord Bathurst?

I have the honour to be, &c.

ROBERT GOURLAY.

Joseph Hume, Esq. M.P.

No. 4.

*House of Correction, Cold-Bath-Fields,
March, 17th, 1825.*

Sir,

A newspaper of yesterday lays before me, containing the debate on the Canada Question. You, and you alone, are right on that subject. Ministers have ever been infatuated regarding American affairs; and till this hour are deplorably ignorant as to Canada.

Just now, seven years ago, I sent home from that country a Petition to be presented by you to Parliament, calling attention to Canada. Ever since then I have been persecuted without intermission, and now am confined here on pretence of madness, although there is not in London an individual more correct; in proof of which I shall annex copies of letters written to you in 1820, which were not replied to. If you are disposed to follow up what you have spoken to, I shall submit proposals, which, if carried into execution, will not only be vitally important to me, but advantageous to you, the country, and the world.

I have the honour to be, Sir,

Your obedient servant,

ROBERT GOURLAY.

Alexander Baring, Esq. M.P.

(Copies.)

Cooper's Hotel, Bouverie-street, 23d June, 1820.

Sir,

I am now addressing, to every Member of the House of Commons, a copy of the circular enclosed. Coming to your name, I

made those charges. He would not make any reply to generalities, to idle assertions, and declamatory insinuations; but if the Honourable Gentleman should think proper to prefer a distinct charge, he would be prepared to refute it.

The motion was then agreed to.

Morning Herald, 16th March, 1825.

2 A

have called to mind, that more than two years ago I sent home a Petition to the House of Commons from Upper Canada, to call attention to the state of that Province. I requested my friend in town here, to whose charge the Petition was committed, to put it into your hands to be presented, but (you being then in France, as I have now, 4th July, learned) he gave it to Mr. Douglas, who thought it was too generally worded—in fact, it appeared so to myself on review. Besides, it arrived too late in the session, and thence was not presented. I allude to this transaction, because I had a special reason for wishing *you* to take an interest in the affairs of Upper Canada—a reason which still stimulates me to address you particularly at this time.

Should the contents of the circular so much engage your attention, as to excite a wish to converse with me, as to this matter, I shall be extremely happy to wait upon you for the purpose, where and when you may signify to be convenient.

I am, Sir, with due respect,

Your most obedient servant,

ROBERT GOURLAY.

Alexander Baring, Esq.

July 4th, 1820.

Sir,

I have addressed a copy of the within *circular* to every Member of the House of Commons. Yours was accompanied with a letter, of which a copy is hereunto annexed. The circulars were all put into the General Post Office, with an impression that they were not chargeable to Members of Parliament, any more than if they had been despatched from the country. In a few days I found my mistake, by many of the letters being returned, because the postage had not been paid. To correct this error, I re-enclosed these letters with an apology, and defrayed all charges.

This day I have a letter from a Member, to whom I wrote a second time, who says he never received my first packet, though it did not return to me. Your packet may have had a similar fate; but though it did reach you, I acknowledge that my error in not defraying its charge may have been sufficient for your neglect. My object is so great and good, that even unmerited neglect would not daunt my endeavours: and I have only to say, in addition to what I first wrote to you, that my special reason for wishing your attention to the state of Canada was, that I thought you had it in your power to become the leader in the grandest scheme of benevolence which the world has yet witnessed. Pardon this lofty expression, but believe me to be perfectly sincere. Should you favour me with notice, your letter will still find me at Cooper's Hotel, Bouverie-street.

Respectfully yours, &c.

ROBERT GOURLAY.

Alexander Baring, Esq.

No. 5.

Bryanstone Square, 17th March, 1825.

Sir,

I have received your letter of this date, in which you complain that I did not do justice to the petition respecting Canada, which I presented to the House of Commons in 1822, from you.

It may be true; but if I did what I considered for the best, you may regret the failure, but the censure which you bestow might be spared.

Of your book, I spoke as I had formed an opinion, but a little parliamentary experience would have convinced you that a House of Commons is not disposed to take such as good parliamentary evidence.

You do great injustice in supposing that Mr. Brougham proposed to me to "*delay*" any inquiry or proceedings respecting Canada.—Such suspicions are altogether unfounded.

That you may have written a letter to Mr. Wilmot in 1823, may be quite correct, but I have no recollection of having seen it; or if I did, of considering it as affording proof of a nature to support any *specific* charges against the Government of Canada.

That you may have considered your letter sufficient for the purpose, I have no doubt; but I do express my surprise that you should think it impossible that I should have a different opinion from you, and more so that you should refuse me the discretion to act upon that opinion, without incurring your censure.

You never asked me to present any petition in either June or July last, when I saw you. On the contrary, at the interview I had with you, our conversation turned entirely on the necessity of your writing a petition to the House, in which you should acknowledge your error in having assaulted Mr. Brougham, but which you refused to do.

Some time after I had left you, Mr. Bellamy, I think, brought me a petition from you to present to the House, which, after consulting some of the Members, as well as the Speaker, I declined to present to the House, and sent back to you, because, in that petition, you stated, if I now distinctly recollect, that you were justified in having done what you did to Mr. Brougham, and for which you did not express any regret, or offer any apology.

I have reason to believe that my message to you, requesting you to alter the petition, was received and disregarded by you: and I was then obliged, most reluctantly, to leave you to your own course; and whilst I regretted the *course* you chose to persist in, I saw no *other course* for me to take, than to leave you to a little reflection.

He that will to Coupar will to Coupar; and, as you preferred and chose the abode of felons rather than to take my advice, I consider you as altogether unwarranted in blaming me for the friendly part I took for you.

I am, your obedient servant,

JOSEPH HUME.

Mr. Robert Gourlay.

No. 6.

*House of Correction, Cold-bath-fields,
16th April, 1825.*

Sir,

What I wrote to you, under date 17th ultimo, did not proceed from peevishness: nor was it meant for censure, as from the tenor of your reply I was sorry to observe you had supposed. It was solely to startle you into serious reflection on a subject woefully misunderstood by all parties—the opposition, as well as the ministry. It has been my wish, every day since, to assure you of this: but I delayed till something else might be spoken of; and last night's debate on Irish emigration* presses for remark, which shall be brief. Eighteen

* IRISH EMIGRATION TO AMERICA.

Mr. Hume submitted to the Honourable Gentleman opposite, (*Mr. Wilmot Horton*), that, in the present state of the House, a thin attendance, it would be better to postpone the vote for the emigrants from the South of Ireland to our colonies in America. He was determined to oppose it, as he disapproved of the principle altogether.

Mr. Wilmot Horton was understood to say that he could not yield to the suggestion of the Honourable Member. The vote was a sum of £ 30,000, and was intended to aid the removal of emigrants from the South of Ireland to our Colonies in North America. This was undertaken by way of national experiment, and so far as the experiment had hitherto gone, it was attended with complete success. As the letters of the superintendent were in the highest degree satisfactory, he had, therefore, no hesitation in recommending the vote, on the ground of its being a partial benefit to Ireland, and a partial benefit to Canada. The measure was, in the nature and character of an experiment, to which a part of the national capital might be safely appropriated.

Mr. Grattan thought the vote rather premature, as the House was without any account of the result of the experiment already made in Canada.

Mr. Vesey Fitzgerald supported the grant.

Mr. Abercromby opposed the system of emigration, as he was of opinion it was much better to govern men wisely at home, and make them contented, than to export them to other countries. He objected to the proposed vote on the ground that sufficient time was not afforded to ascertain the result of the experiment of last year.

Mr. Horton said a few words in explanation.

Mr. Bright approved of the principle of colonization, but differed altogether with the manner in which government had carried it into effect. He recommended the appointment of a committee to examine more deeply into the subject, and to inquire if there was no better way of disposing of our super-abundant population, than by emigration. At present he felt disposed to oppose the grant.

Mr. Spring Rice thought that the reasoning with respect to emigration was founded on erroneous principles, and he objected now to the call to repeat an experiment until it was ascertained what success the former adventure had been attended with. Formerly, the people of Ireland disliked the system of emigration by government. They used to call it, in their own way, "a right genteel mode of transportation;" however, sure they were of a contrary distinction, and were anxious, when deprived of their lands at home, to betake themselves to any corner of the world where they could obtain the hope of a comfortable resting-place. But he thought that it should be carried on upon a larger scale, and with more determined views. He thought that the landlord ought to contribute as well as the state to the execution of a plan of emigration.

Mr. M. Fitzgerald was disposed to continue the experiment, to which this grant was to be devoted.

Mr. Hume would oppose the grant until an investigation had taken place with a view of ascertaining how far the attempts which had hitherto been made, in the way of emigration, were attended with success. He recollected having landed in Bantry Bay with a friend, and having supplied themselves with sugar-candy, as the best

months ago, I wrote to Mr. Wilnot that he was "*as blind as a mole*" as to the *principles* of emigration; and it is really monstrous that he should persevere in ignorance, at once so expensive and trifling. Unfortunately, not a man in the House of Commons seems to know more than himself of the matter.

26th April.

I had written so far when it occurred that it would be well to wait further opportunity of impressing on your mind more serious consideration of a subject vitally important to this country, and, I may say, to the world. Last night the Canada Bill was read a second time without notice. You approved of it from the beginning, and regretted it had not been brought forward long ago. I suspect it is far from what it should be, but have not been able to procure a copy. Will you favour me with one, and listen to my remarks? Notwithstanding the apparent testiness of my last letter, be assured, that I consider you worth all the Whigs put together. Were you indeed clear of them, and resting on your individual efforts, you may still, with the people's good opinion, be infinitely useful. The Petition which you presented last night in my favour was forwarded by my

resource in case of difficulty in getting food and drink. They went into a cabin where the inmates were busy at their meal of potatoes and milk. He asked them if they knew what sugar was; and the impression made upon them by their answer, was, that they had never seen or tasted sugar. Would the committee, therefore, vote money to provide tea and sugar for women and children, who would not have such provision?—This vote was prejudicial: it held out hopes which could not be realized: it imposed burdens upon England which would not make Ireland prosperous. It was for these reasons, inconsistent with the principle of the Chancellor of the Exchequer to relieve the people of England from the pressure of taxation. He should, therefore, take the sense of the Committee against it, however few might be disposed to join him.

Mr. J. Smith, notwithstanding the opposition of his honourable friend (Mr. Hume), would vote for the grant upon the principle of rescuing a certain number of Irishmen from hopeless misery. If that principle was wrong, he should have at least the consolation of seeing a few made happy. When steam-boats should come to cross the Atlantic with the security and ease with which they soon would, emigration would be at an expense which he should be ashamed now to mention.

Mr. C. Hutchinson agreed with the Honourable Member who spoke last, in considering it a sufficient reason for agreeing to this grant, that it would rescue a few from misery. But until the House redressed the grievances of Ireland like statesmen, no effectual relief could be given. It was by employing English capital in feeding, educating, and clothing the poor in Ireland, that relief was to be given.

The Chancellor of the Exchequer said, that if the committee recommended to be appointed on the subject of emigration, were recommended as a substitution for this grant, he would not have agreed with it. But understanding it not to be so, he certainly was far from objecting to the reference of the question of emigration to a committee. (cheers.) Already the subject was under the consideration of a committee. He meant the Committee on the state of Ireland: but the objects of that committee were so multifarious and so extensive, that they could not be expected to examine this very important subject with the attention it deserved. If this peculiar question were referred to a specific committee, it could not fail to do good.

Mr. Trant would not have voted for this grant but for the pledge of a committee to inquire into the whole subject of emigration, which was the only means of relief to one of the great evils of Ireland.

Mr. Hume would only protest against the extravagance of first voting away £30,000, and then appointing a committee to inquire.

The motion was then agreed to without a division.

desire, and others would have been sent up but for evil influences in Fifeshire. The Morning Chronicle reports that one Member opposed the Petition. I should like to know who that was. Another one or two of the same kind may reach you; and when Mr. Stuart Wortley presents my own Petition for a commission to visit me, I hope you will support its prayer.

I was quite correct in all that I said under date the 17th March; and, repeating that I have not the slightest wish to censure, you will allow me to recapitulate. My Petition of February, 1822, was and is of mighty importance to the nation. I sent a copy lately to Mr. Huskisson, who slighted it (A 5); but that does not in the least degree change my opinion.* That Mr. Brougham advised *delay* you will find recorded in page 460 of the General Introduction to my Statistical Account of Upper Canada;—the first volume of which was and is the best authenticated information of the kind ever brought home from a British colony;—was and is good parliamentary evidence, while I have the original documents signed by and in the name of hundreds of the most respectable inhabitants of the province;—so good that the Canada Company have stolen from it seventeen pages without consulting me, and six of the greatest value without acknowledging even my name. As to my letter to Mr. Wilmot, you may yet read all about it in my letters to you of April, 1823; and along with this, you will receive a printed copy of the same, together with my Petition of July, 1823, which you refused to present. As to the Petition of June last, the matter stands thus:—I drew out one, which you objected to, and then showed you another, which you said was, “*a very good Petition*,” and which, accordingly, was delivered to you but neglected. The following copy of it will show that it was quite unobjectionable.

“ The Petition of R. G.

“ Humbly sheweth,

“ That, in consequence of an affair which has occurred
“ in the lobby of the House of Commons, your Petitioner is now under arrest. That your Petitioner in this affair had no wish whatever to insult your Honourable House—to cause riot or obstruction.

* *House of Correction, Cold-bath-fields, April 16, 1825.*

Sir,

As soon as your speech on colonial policy was perused by me, I seized my pen and addressed to you a letter of congratulation; not because you had advanced any thing new, or, of itself, extraordinary, but viewing it as the dawn of common sense and liberality in our ministry. Next day I re-wrote my letter, but detained it to avoid the appearance of affectation. Now an additional spur moves me; but you shall not be troubled with many words. I wish merely to bid you peruse the first five pages of the print which accompanies this, and reflect upon my opinions submitted to Parliament three years ago. If you think the thing of no consequence, return it to me in a blank cover; if otherwise, and you should express a wish to have the rest of the pamphlet, now in the press, of which this print is part, I beg leave to say it will give me pleasure to furnish you with it.

I have the honour to be, Sir,

Your obedient servant,

ROBERT GOURLAY.

Rt. Hon. William Huskisson.

"tion; and sorry that any conduct of his should be thus construed, he now entreats that your Honourable House will so order that he may be set at liberty,

"And he will ever pray."

Would the House have objected to this Petition—would it have refused its prayer?

Let me now conclude with a few remarks on your speech of the 15th March.—You are reported to have said, that out of 39,000 emigrants who went from this country in 1817, 18, 19, and 20, only 100 families had found refuge in Upper Canada. This I shall venture to say is monstrously incorrect. Lord Bathurst has deserved to be impeached again and again; but it is such vague and palpably erroneous assertions which make those whose duty it is to bring him to book equally culpable, especially when time is wasted by saying what would be done in a reformed parliament. I have suffered more by Upper Canada than any one; know more about it; have been waiting five years for a hearing as to it; and, in being told "*will to Coupar will*," think there is little consolation for disappointment. The point of business is, let me be visited—examined as to Canada—emigration—the poor laws—my present imprisonment. Each and all of these subjects are worthy of a commission.

I am, &c.

ROBERT GOURLAY.

Joseph Hume, Esq.

No. 7.

Bryanstone-square, April 27, 1825.

Sir,

I send, as you request, a Copy of the Canada Company Bill, and if you can point out any thing likely to be useful, I shall be happy to attend to it.

I am your obedient servant,

JOSEPH HUME.

P. S. A debate took place on the second reading of the Canada Bill for upwards of an hour, but the Reporters did not think proper to report it.

J. H.

Mr. Robert Gourlay.

No. 8.

House of Correction, April 30, 1825.

Sir,

I thank you for sending me the Canada Bill, my contempt and abhorrence of which I cannot express on paper. As it deeply concerns the nation, and as I cannot wait upon you, may I request of you to visit me here, where I am always at home, to-mor-

row or Monday. I should then, with pleasure, converse with you on the subject.

I am, respectfully yours,
ROBERT GOURLAY.

Joseph Hume, Esq.

No. 9.

Bryanstone-square, April 30, 1825.

Sir,

I am favoured with yours of this date, and shall be very happy to attend to any suggestions which you may be able to put on paper for me; but as to calling it is totally out of the question, owing to the immense quantity of public business in which I am at present engaged.

The Bill comes on on Monday evening, and I remain,

Your obedient servant,

JOSEPH HUME.

Mr R. Gourlay.

P. S. I send you another copy of the Bill in order that you may make such remarks on it as you think proper and return it to me.

No. 10.

House of Correction, May 2, 1825.

Sir,

I have this morning received your letter and second copy of the Canada Bill. I return it with this sweeping remark, that I believe there is a trick going on to make over the vast national property in Canada to the Company, on little, mercenary, and shameful principles. I hope you have no *interest* in the affair—protest against the hurried passing of the Bill, and shall forward to the House of Commons a Petition, which I hope you will get in time to present this evening, more formally to protest and to entreat delay in passing the Bill.

Lest any accident should prevent my Petition reaching you, I beg you will produce the Bill protested against as sent herewith.

I am in haste, yours, &c.

ROBERT GOURLAY.

Joseph Hume, Esq. M.P.

No. 11.

May 2, 1825.

Sir,

You will herewith receive the Petition of which I wrote in the morning (A 23), and among the immense quantity of public

business, in which you are at present engaged, depend upon it none is more important than this. You will, I trust, present the Petition this evening, and get its prayer attended to.

I am, &c.

ROBERT GOURLAY.

Joseph Hume, Esq.

No. 12.

Bryanstone-square, May 2, 1825.

Sir,

I have to acknowledge the receipt of yours of this date, with the Canada Bill.

As to your protest, you must be aware that it is totally inefficacious, and that unless you point out the *grounds* of your objections to the Bill in detail, it will be impossible for me to do any thing to arrest its progress. I again enclose you the Bill, in order that you may, if you think proper, and am

Your obedient servant,

JOSEPH HUME.

Mr. R. Gourlay.

No. 13.

House of Correction, May 5, 1825.

Sir,

I have seen from newspapers, that my Petition regarding the Canada Bill was laid on the table, but am left in doubt as to its being printed, which was especially prayed for, and which I am more anxious about, as I am preparing a Petition praying that all my printed Petitions may be brought up and referred to a committee. May I, therefore, beg of you to move for this to day, if not already done; and it would be further obliging if you would cause a copy to be sent me. There is nothing before the House demanding more immediate and serious consideration than the Canada question. I have been unwell for two days, or I might have written out some observations for your perusal; but the want of them is little to be regretted, as nothing but conversation can fully explain matters.

I am, &c.

ROBERT GOURLAY.

Joseph Hume, Esq.

No. 14.

Mr. Gourlay presents compliments to Mr. Hume; wrote Mr. H. yesterday begging to have his Petition, presented the day before, printed, if not already so ordered, and saying he would be further obliged by having a copy of the Petition, when printed, sent him.

He has now to acquaint Mr. Hume that he has this day sent a Pe-

tition to the care of Mr. Stuart Wortley, which may be presented this evening, and is, therefore, more anxious to know whether the above is printed. Mr. G. would be glad to be informed if the Canada Bill is in committee, and when it will be read a third time. Also, if any committee is to be appointed for investigating generally into the subject of emigration, as proposed lately in the House of Commons. Could Mr. Hume, in the course of to-morrow, cause his secretary to drop a few lines to Mr. G. as to these matters, it would be exceedingly obliging.

House of Correction, May 6, 1825.

No. 15.

House of Commons, 6 o'Clock.

Mr Hume begs to inform Mr Gourlay that the Petition presented by Mr H. respecting Canada has been ordered to be printed; as has the Petition presented this day by Mr. Wortley—a copy shall be sent of the Petition when printed.

No. 16.

Mr. Gourlay has just now observed from a newspaper the passing of the Van Dieman's Land Company Bill. Would be greatly obliged if Mr. Hume would forward to him a copy; and say, at same time, what has become of the Canada Company Bill.

House of Correction, May 19, 1825.

No. 17.

6, Bryanstone-square, May 19, 1825.

Mr. Hume has the pleasure to inform Mr. Gourlay that the third reading of the Canada Bill has been deferred till to-morrow (Friday).

Mr. H. sends a copy of the Van Dieman's Land Bill according to Mr. Gourlay's request.

No. 18.

*House of Correction, Cold-bath-fields,
June 11, 1825.*

Sir,

There is a Bill now before the House of Commons regarding Canadian warehoused corn; and another in the House of Lords as to the corn trade, &c. with Canada, which I should be glad to have, and obliged by your furnishing me with.

On this account, however, I would not have troubled you, did I not wish, at same time, to beg explanation as to an expression in your

note to me of 19th May, viz.: that you had the "*pleasure*" to inform me that the third reading of the Canada Bill had been deferred. From this, I had some hope that the prayer of my Petition, presented by you, would still be attended to, but the Bill was read the third time, and passed without a word being reported on the subject. May I frankly ask how you could express *pleasure* which could only be big with *pain* to me? I have again and again reflected on this, and a liberal explanation may set the matter at rest.

Your obedient servant,

ROBERT GOURLAY.

Joseph Hume, Esq.

No. 19.

Bryanstone-square, June 11, 1825.

Sir,

As you have, as stated in your letter of this day, been under some doubt what I could mean by an expression in my note to you of the 19th May, "that I had pleasure to inform you that the third reading of the Canada Bill had been deferred," I think it necessary to state, that I had understood from you that you intended to send, before the third reading, some particulars respecting the Bill, if you had time, and as the deferring the third reading of the Bill would, as I thought, afford you time to do what you wished to do, I considered that you would be pleased in having the opportunity, and therefore expressed my own satisfaction, or *pleasure*, that such was the case.

I trust this explanation will relieve you from the surprise you are in respecting the phrase.

The Bill for permitting henceforth the importation of corn from Canada, at duty of five shillings per quarter, which passed the House of Commons, was limited to one year by the Lords, which being an interference with a money clause, was the reason for the Commons rejecting the Bill: but another Bill has been introduced, which shall be sent to you on Monday.

I am

Your obedient servant,

JOSEPH HUME.

Mr. Robert Gourlay.

(B. 43.)

CORRESPONDENCE WITH THE COLONIAL
DEPARTMENT.

No. 1.

London, September 3d, 1821.

My Lord,

Having a purpose to collect together a number of people willing to emigrate to Canada, and to proceed to that colony for settlement, under the best circumstances for the comfort of all, it becomes desirable to know upon what terms Government will grant land in aid of such purpose.

It would, therefore, be obliging were your Lordship to order information to be communicated to me on the subject.

I have the honour to be,

Your Lordship's obedient servant,

ROBERT GOURLAY.

Earl Bathurst.

No. 2.

*Downing-street, Colonial Department,
5th September, 1821.*

Sir,

In reply to your letter, dated the 3d instant, I am directed by Lord Bathurst to acquaint you that His Majesty's Government no longer give encouragement to persons proceeding as settlers to His Majesty's possessions in North America, beyond a grant of land, which they will receive on applying to the Governor of the Province, proportioned to the means of cultivation which they may possess on their arrival in the colony. Passages are not granted by Government.

I am, sir, your obedient servant,

HENRY GOULBURN.

Mr. Robert Gourlay.

No. 3.

London, September 7th, 1821.

My Lord,

Mr. Goulburn has acquainted me, in pursuance of your direction, by letter dated 5th September, 1821, that "His Majesty's Government no longer give encouragement to persons proceeding as settlers to His Majesty's possessions in North America, beyond a grant of land, which they will receive on applying to the Governor of the Province, proportioned to the means of cultivation which they may possess on their arrival in the colony."

The important point for persons intending to emigrate is to be certain as to the quantity of land which they will receive for certain means; and that before they leave home. Crossing the Atlantic is a serious matter, and disappointment after having crossed it, is still more so. My brother went out to Upper Canada, in 1817, applied regularly by petition for land, took the oath of allegiance, and paid fees; but had nothing, save insolence, in return. He remained in the province eleven months, and then left it for want of employment and object.

The terms upon which land is granted are changed from time to time; and the fees, which in 1816 were very trifling, are now raised for large grants, to a serious sum, nearly equal to the price at which the best wild land in the United States can be purchased. Were settlers to sail next spring, in expectation that on the arrival in the colony "they would receive, on applying to the Governor, a grant of land, in proportion to the means of cultivation," upon the same rule that was followed this year, their expectations might be blasted by a change of rule. It may be by next year determined to grant no more land, or to grant it on such terms, as to render it not worth the fees, or price put upon it.

By correspondence with various parts of the country, I am assured that I could get a large body of the people to go with me by next spring, and it is now time to be making arrangements for an undertaking so arduous and decisive of fate and fortune. Your Lordship, no doubt, has control over all rules for granting land in Canada, and can, therefore, assure me upon the subject of my inquiries.

May I, therefore, beg the favour that your Lordship will take matters into serious consideration, and in another communication give me those assurances which are requisite for my plans being carried into execution, without risk of such disappointment as I have above supposed possible.

I have in view to settle towards the higher part of Lower Canada, and should wish a grant of land out of that still in possession of the Crown which lies nearest Montreal. It may be in your Lordship's power to determine as to the location in this country, and the comfort which settlers would have from such determination would be very great indeed. It would enable them to have preparations made on the granted land before they got out to take possession of it, very essential both for comfort and economy.

I am your Lordship's obedient servant,
ROBERT GOURLAY.

Earl Bathurst.

No. 4.

Downing-street, September 16th, 1821.

Sir,

In reply to your letter of the 7th instant, addressed to Lord Bathurst, I am directed by his Lordship to acquaint you, that it is impossible to give you any more definite answer than what you have already received respecting grants of land to individuals proceeding

to the North American Colonies, the local government being the only fit judges of the means which a party may possess for cultivating lands in the province, and of the extent which it may be proper to assign to them.

I am, Sir,

Your most obedient humble servant,

HENRY GOULBURN.

Mr. Robert Gourlay.

No. 5.

Margate, 2d October, 1821.

My Lord,

Mr. Goulburn's letter of 15th ultimo, in reply to mine of the 7th, addressed to your Lordship, reached me in course, but ill health, which has obliged me to come to this place for recovery, has caused me to delay again troubling your Lordship on the subject of emigration. I have, indeed, hesitated a little, whether I should continue this correspondence, being very unwilling to make unavailing trouble. On mature reflection, however, I feel that I should not be satisfied with myself without more particularly communicating my views; and your Lordship will, I trust, listen to explanation whatever be the result.

Mr. Goulburn says, in his letter to me, "It is impossible to give you any more definite answer than what you have already received respecting grants of land to individuals proceeding to North American Colonies." Now, what I wish to treat about does not concern me as an individual only. As an individual, I could readily procure, on going either to Canada or to the United States of America, more land than I could myself cultivate. It is now four years since I first proposed to conduct to Canada a large party of settlers, and, indeed, to make a continued business of promoting emigration. I studied the subject in Canada, found that my scheme could be put in practice, at once to my own and the public benefit, and took every means to qualify myself for the undertaking. I sent home three letters to be presented to your Lordship, all with one uniform and settled determination; and as I have more and more reflected on what I had, and still have in view, the more am I inclined to proceed. The letters alluded to were dated 3d November, 1817. February 7th, 1818, and 24th March, 1818; and, no doubt, were shown to your Lordship, through the medium of Sir Henry Torrens. In these letters I spoke of a contract which I was desirous to make with Government for the settlement of Canada with British subjects; and it is this contract which I would willingly engage with. Under this contract I could pay to Government a considerable sum of money for the land, and greatly promote the comfort and prosperity of settlers. Although the value of land has of late years greatly fallen in America, I could afford to pay Government one dollar per acre say for one million of acres to begin with, by three instalments, at the end of five, six, and seven years, and so on for an indefinite

term, receiving more and more land from Government to settle, as the process went on, and payments were made good. Could your Lordship come to a resolution to promote a liberal scheme of this sort, within the present month of October, I could go out to Canada, have arrangements made for settlement, and be back before April next, to conduct settlers to their destination: nothing more would be required than your Lordship's countenance to enable every thing to be managed to the best advantage. This country could spare 50,000 people annually to be thus conducted abroad, and I should have no difficulty to procure 10,000 to go out in one body, by April next. When your Lordship has entered into a thorough investigation of the subject, these numbers will not appear at all extravagant to reckon upon, nor will there seem any difficulty in managing the concern. The distress throughout the country for want of work is general, and, after the ensuing term of Michaelmas, will be greatly increased. No rise in the price of corn will enable farmers to employ labourers so liberally this winter ensuing as they did last winter, and curtailing employment in Government works, as is now done, by throwing labourers idle one day out of six, will, I am afraid, greatly aggravate misfortune. Emigration to the fullest extent, would not much abate this distress, as it proceeds from extraordinary causes, which require special remedies; but a timely disposition on the part of Government, to promote any species or degree of relief, would assist in lessening discontent. My hope of establishing a liberal system of emigration does not rest on the present emergency, nor any temporary distress. Emigration could be carried to greatest extent, and with best effect were the country flourishing.

In the mean time, public calamity ought certainly to plead for its encouragement; and I hope your Lordship may still take serious thought of the subject. Your Lordship must no doubt have the fullest information from every quarter as to the state of the country, and can need none from me. Having viewed both England and Scotland, however, all over from north to south, and from east to west, with my own eyes within the last two years, and having, from time to time, information from intelligent correspondents in various quarters, I cannot resist expressing anxiety and dread of consequences. On the subject of emigration, I shall here beg leave to transcribe part of a letter from one of my friends, dated 23d August, 1821: "You may get as many people as you please to go from ——— with you to Canada. More than half the farmers have been thrown out in the late bad times, and will not require much persuasion to emigrate. There is one family that I have spoke to, (I mean one of the sons,) that will gladly go, and as he was bred to the dairy system, he might make a figure in that capacity. He would soon get a dairy-woman with him for a wife. They rented a farm within a mile of ———, at £517 of rent, on which they had thirty-eight as fine cows as were in the country. They failed, and were turned out with great severity. Their stock sold *at less than half price*, and the farm is now let at £200: they paid rent five years, (I set them the land myself,) and lost at least £1000 by the concern, of this £500 by the harsh rousp (sale by auction) of their stock."

"Every season great ship-loads of people emigrate from Greenock to Canada. There is a cargo of 600 or 800 making up just now by a Greenock vessel, but loading at Fort William. But from Greenock itself, every ship carries out emigrants, chiefly county people from the counties of Renfrew and Ayr. Were I twenty years younger, I would go myself."

How noble and generous would it be, my Lord, to set about arranging plans, by which such poor distressed people as those above spoken of could have something like certainty and comfort to look forward to in the colonies, whither they are desirous to proceed. Emigrants now go out to Canada only upon a chance of getting land worth acceptance; a thousand doubts torment them—a thousand difficulties and disappointments wait upon their movements. From their native country and the society of friends, they have to enter into gloomy solitude—they have to cut out the road before them in the wilderness; they have there to take up their abode, while yet unskilled in the art of settlement, and unprepared by experience to guard against numerous and frightful accidents; they have often to strive at once against poverty and sickness. Not one in ten of those who go out to Canada have within themselves the means of making comfortable commencement; and not the half of these can put even sufficient means to speedy and economical account, for want of plan and arrangement. Public arrangements for emigrants were miserable when I was abroad. They are yet altogether defective, and every account sent home gives proof of consequent misery. All this can be prevented by your Lordship's endeavours, if seriously and strenuously applied. It was reported to me, on coming home, that your Lordship had said, on hearing some representation which I had made as to distress of the emigrants, that I should take care of myself ("the reformer should take care of himself"); and no doubt it would be well could I do so. Could I do this, and benefit tens of thousands of my fellow-creatures, surely it would still be better. I have suffered more disappointment than, perhaps, any man alive, and hold no enviable situation at present; yet, my Lord, such is the consolation from good intention, that the balance of enjoyment may not, after all, be greatly against me. It is in your Lordship's power to set on foot a scheme of benevolence beyond any thing yet witnessed by the world; it is my delight to reflect even upon the possibility of such being realized. There is not a man who is desirous of quitting the country, that it is not politic for Government to aid in getting out of it; at least, if he is willing to settle in a British colony. There he can be so placed as to reimburse every charge incurred by his removal from home. It would be wrong in me to attempt going into any detail for your Lordship's information as to plans of settlement, on this occasion; but I shall at all times be ready to wait upon your Lordship with every particular, if required. Last year, the Chancellor of the Exchequer said that "His Majesty's ministers were disposed to adopt every measure which could really contribute to the relief of the labouring classes." Now, my Lord, I declare myself ready to lay before you a practical scheme for mitigating distress by emigration. With reflection on the above quotation, your Lordship

must be sensible that more than the labouring classes want relief "More than half the farmers have been thrown out in the late bad times, and will not require much persuasion to emigrate." These are the words of my friend—a man of the first-rate intelligence upon such a subject. These words should seriously be considered by your Lordship, and they may be submitted to the Chancellor of the Exchequer with my offer of a scheme for mitigating distress. His Majesty's ministers can determine immediately as to granting land in Canada, and all that would be required at present, would be an assurance that as many people as were willing by April next, should be allowed to settle down so compactly together as best to promote the general good. Your Lordship must know that one-seventh of all the wild land in Canada, when it comes to be surveyed for settlement, must be set aside, and appropriated for the maintenance of a Protestant clergy; and this being settled by law, cannot be altered but by the interference of the Imperial Parliament. My plan could proceed without any alteration of this law; but were it shown that it would be for general good that the law should be changed, this, I doubt not, could readily be accomplished during the next session of Parliament, in time to let settlement in Canada proceed free of obstruction. I have not supposed that your Lordship is ignorant of my peculiar situation connected with Upper Canada. Did your Lordship labour under any prejudice or misapprehension as to this, it would still be wrong to allow any thing of the kind to intercept schemes of public beneficence. If my schemes can be shown to be angelic, your Lordship is welcome to believe me diabolical. My schemes can be executed very well, even without my personal engagement in the performance of them. I have spoken of going out to Canada forthwith, to prepare the way for emigrants, but any other person might go in my place. I have spoken of it rather to show my zeal for public good than with any particular relish for winter voyages; and more than a year ago, I told Sir James Mackintosh that I should submit to go out in chains rather than that the cause of well-conducted emigration should fail. If a million of acres seem too many at once to contract for or to talk about, a township of 64,000 acres would give room sufficient to make an experiment on. To arrange for the settlement of a single township, I should go out to Canada, if required by Government, without a farthing of emolument, and merely upon payment of my expenses. The important point is, to have matters determined on within the present month of October. I shall be again in town by the end of this week, and shall be happy to have a definite reply to my suggestions by Monday or Tuesday next addressed to me as before.

I am,
Your Lordship's obedient Servant,
ROBERT GOURLAY.

Earl Bathurst.

No. 6.

Downing-street, October 11, 1821.

Sir,

I am directed by Lord Bathurst to acknowledge the receipt of your letter of the 2d instant, stating in reply to my former communication, that it is not your object to settle individually in Canada, but that you are anxious to enter into some contract with Government for conducting emigrants to that colony on a very large scale; and to acquaint you in reply, that from what is stated in your letter, Lord Bathurst cannot encourage any expectation of his giving his sanction to the measure you have in contemplation.

I am, sir, your obedient servant,

HENRY GOULBURN.

Mr. Robert Gourlay.

(B. 44.)

*To the Right Honourable the Earl of Eldon.**House of Correction, Cold-bath-fields,
October 18th, 1825.*

My Lord,

In my letter to your Lordship, of September 6th, 1824, I stated that "*Ministers had agreed to sell to a company the Government Reserves of Canada, and half the Church Lands, without consulting Parliament, or duly considering the good which might accrue to England from judicious management and due preparation.*" On the 3d May last I had a petition presented to the House of Commons, and ordered to be printed, wherein the above was engrossed, together with an extract from a letter of mine, sent home from Canada in 1818, to be laid before Lord Bathurst, setting forth that "*Upper Canada might yield a handsome revenue, and that the public lands, well managed, could afford to maintain two regiments; repair and keep in repair all the forts; and, after ten years, yield Government an annual rent of one hundred thousand pounds.*" This petition, which prayed that I might be examined on the subject, was afterwards copied into one presented by your Lordship to the Upper House. Having lately heard that the reserved lands of Upper Canada are now valued and about to be made over to the Company, for a payment of three shillings and sixpence per acre, I deem it a public duty to protest against the transaction. These lands, my Lord, with good management, could be made worth ten times, nay, a hundred times, this value. I say it after the fullest consideration and with the best information. Let me, then, call upon your Lordship, as a Minister of State, instantly to assist in checking a measure so disgraceful and thriftless. Let neither the Canada Company, nor any other, have land in the Colonies, till matters are better understood. I, my Lord, do not scruple to say that I have studied this subject, with that of emigration, longer and more deeply

than any other individual; and that on both, the general ignorance is deplorable.

I am now to make an offer at the risk of prolonged confinement on the plea of insanity. It is this: let me be visited, examined, and assisted in this house, and I shall undertake to draw out a plan, in a few weeks, by which 50,000 people shall cheerfully remove themselves every year from the United Kingdom into the Colonies; and whereby Government may have an annual payment of £500,000 by sale of the public lands. This plan shall begin for the advantage, as well of the Mother Country as the Colonies, next spring, and be in full operation by the end of five years, to continue without abatement, till the whole of the good land abroad is occupied. Till my plan is fairly in operation, and found to be effectual, I shall remain within these walls: and should I fail to make it appear practicable, shall willingly be imprisoned for life.

My Lord, what is the national debt, but the record of millions earned by the skill and industry of the people of this country, wasted in war and misery? Think, then, what may be earned, if, during a period of peace and happiness, the same skill and industry had increased room for action and was rightly stimulated! Think of this, my Lord, while you have yet some days of the long vacation to spend in the country, free from the stupifying effects of law, and unconfined by the littleness of the Cabinet.

Your Lordship's obedient servant,
ROBERT GOURLAY.

(B. 45.)

*To His Most Excellent Majesty George the Fourth, Sovereign
of the United Kingdom of Great Britain and Ireland, &c. &c.*

*House of Correction, Cold-bath-fields,
October 20th, 1825.*

Sire!

This letter is written not in expectation that it will be read, or even listened to, by your Majesty. Had my former letters been submitted to, your Majesty's gracious consideration, I would not have been here, or had occasion again to entrust, for form's sake, such a document to the hands of a Minister. This letter is written to satisfy my own mind, that no stone is unturned in a good cause; and that as I have spoken boldly hitherto, I may be entitled to continue to do so.

Bills were introduced into Parliament last session, and passed, allowing Ministers to treat with companies for the sale of public lands in Canada and Van Dieman's Land. Against the first of these I protested by petition to the House of Commons, and against both by petition to the Lords.

The law, as it now stands, permits Ministers to sell the lands; but, up to this time, it is hoped no bargain has been concluded. It has come to my knowledge that a value of three shillings and sixpence

per acre has been put on the lands of Upper Canada, for disposal, at this rate, to the Company. Sire ! this is scandalous. These lands may be raised to ten times nay, to a hundred times that amount of worth by proper management ; and were I never to issue from the arched, grated, and unplastered cell which now holds me, I could so direct that this highest value might be obtained at no distant day. For selling land, where is the necessity of making it over by the great, to a company, when a single auctioneer, well directed and controlled, could effect sales from time to time, as required, to much greater advantage ?

But the chief concern should regard the previous arrangement,—the laying out of the land, and establishing a grand system of emigration on sound and liberal principles.

It is now eight years since I, travelling in America, discovered the leading principles, no where yet acted on, which should govern emigration and settlement in a new country ; and, since then, I have deeply studied the subject in all its bearings.

Sire ! on the right ordering of property the happiness of society mainly depends. To re-arrange in an old country would be dangerous, and perhaps impossible. In an unsettled country, property may be disposed of to perfection ; not only for the speedy production of wealth, but the comfort of settlers and rapid advancement of civilization.

The United Kingdom could spare fifty thousand people for emigration annually, and be refreshed by the discharge. Let the waste lands of the Empire, in North America, the Cape of Good Hope, New South Wales, and Van Dieman's land be rightly laid out—let judicious plans be adopted, and this number of people shall remove themselves, afford an yearly payment to the Crown of half a million, and remain for ever the most loyal subjects.

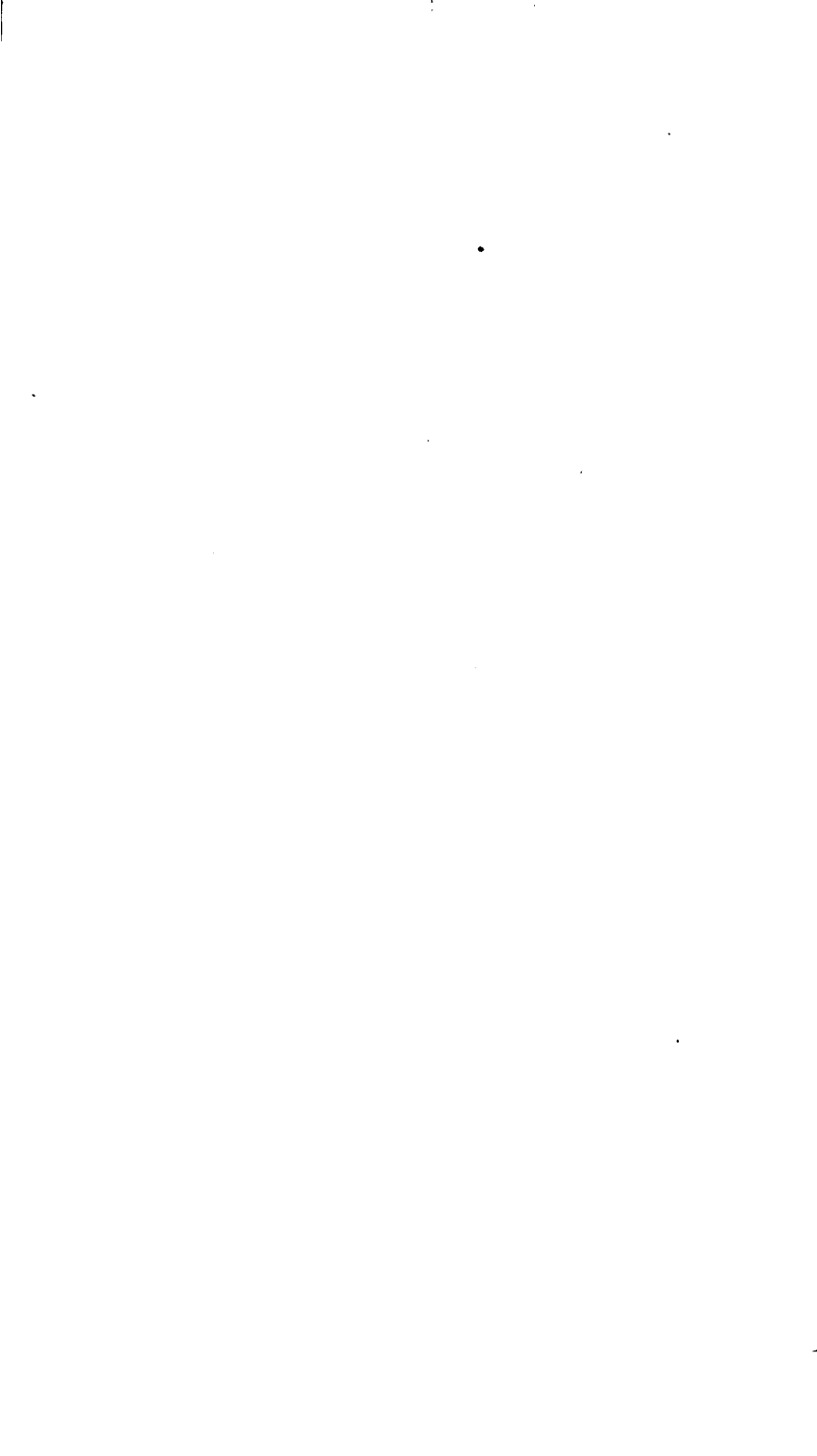
It is not for me now to explain ; but I am here in hold, and shall submit to imprisonment for life, if I fail to make what is said above evident, provided your Majesty will cause me to be visited, examined, and assisted.

This letter is accompanied with part of a work, now in the press, connected with the business in question ; and it would be well if your Majesty would command the Secretaries of State for the Home and Colonial Departments to give it attentive perusal.

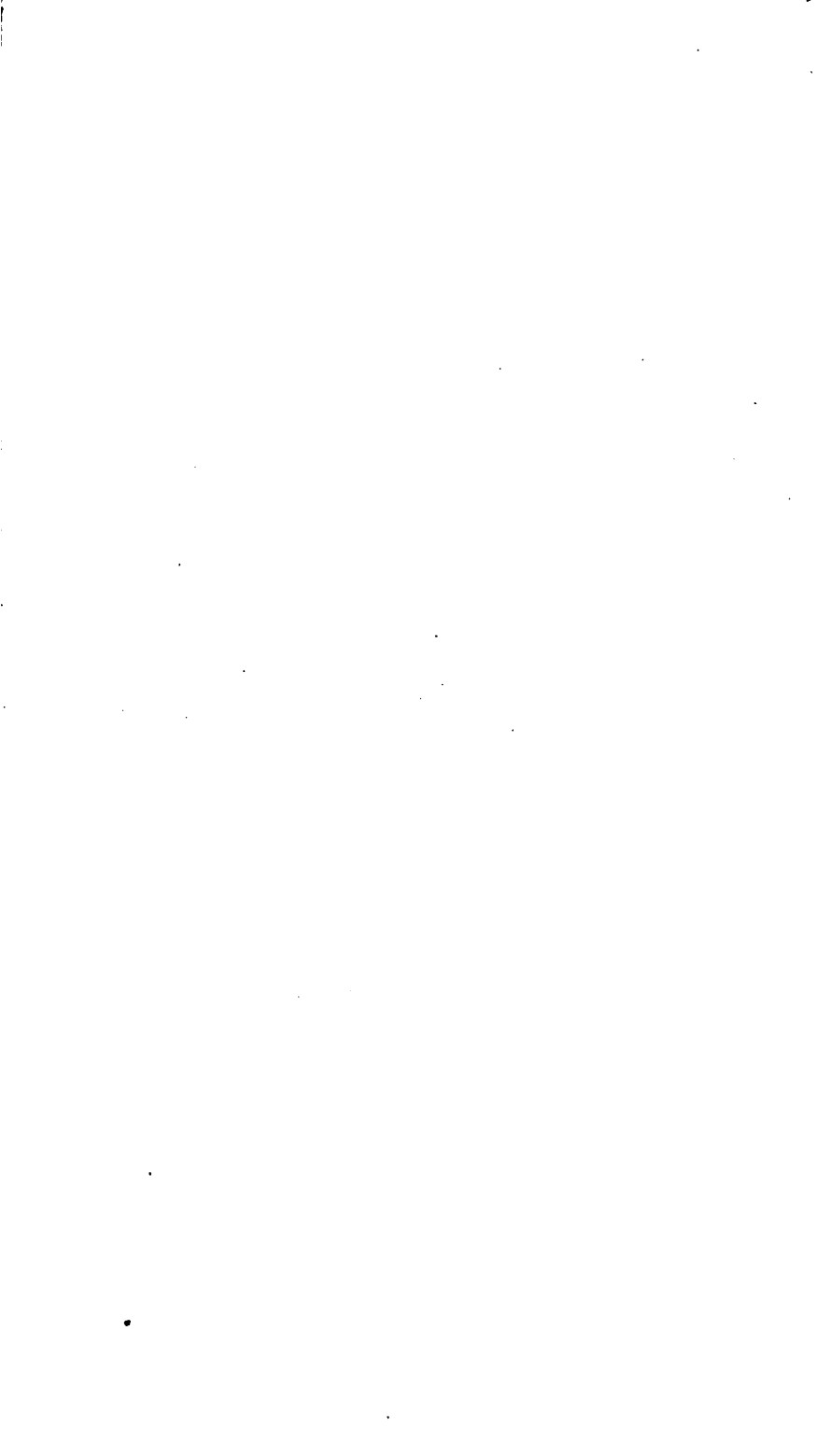
Your Majesty's loyal subject.

ROBERT GOURLAY.

END OF SECOND SERIES.









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